

3499. Also, petition of A. R. Fischer and 287 petitioners of St. Paul, Minn., protesting against passage of House bill 78, compulsory Sunday observance; to the Committee on the District of Columbia.

3500. Also, petition of Raymond W. Mendel and 25 petitioners of St. Paul, Minn., protesting against passage of House bill 78, compulsory Sunday observance; to the Committee on the District of Columbia.

3501. By Mr. MANLOVE: Petition signed by 120 citizens of McDonald County, Mo., including J. M. Patton, Mrs. Ed Revard, and Mrs. Ed Ragsdale, of Pineville; L. B. Stratton, Anderson; D. R. Sturges, W. W. Baxter, and M. E. Meador, of Lanagan; and J. M. Tatum, Anderson, all in the State of Missouri, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3502. Also, petition signed by 44 citizens of Jasper County, Mo., including Elmer E. Edwards, John J. Fuller, Anna Mulkins, Mrs. J. R. O'Connor, Mrs. L. W. Campbell, all of Webb City Mo.; Mrs. Eunice Ryker and J. A. Boots, of Joplin, Mo., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3503. Also, petitions including Mrs. George M. Dunkin, C. B. Lane, J. E. Hendrix, and 75 others, citizens of Nevada, Mo., protesting against Lankford compulsory Sunday bill; to the Committee on the District of Columbia.

3504. Also, petition signed by 48 citizens of Bates and Vernon Counties, Mo., including Lon Ray, Eva S. Bynum, T. W. Arnold, C. W. Anderson, H. O. Maxey, of Butler, Mo., Mrs. L. Brannaman, Mary H. Newlove, and J. T. Allen, of Nevada, Mo., and Myrtle D. Maxey and Elsie Callahan, of Montrose, Mo., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3505. By Mr. MAPES: Petition of 108 residents of Grand Rapids, Mich., for the enactment of further legislation by Congress for the benefit of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3506. By Mr. MOORE of Kentucky: Petition signed by C. A. Lawton, J. W. Humphreys, J. H. Tudor, and 118 other citizens of Central City, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

3507. Also, petition signed by Rev. W. T. Denny, Rev. T. J. Mack, Rev. A. J. Bownley, Lesley Anthony, D. D. Williams, and 133 other residents of Franklin, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

3508. By Mr. MURPHY: Petition of John Pasack and 72 others, asking for appropriations for roads covered by mail routes; to the Committee on Appropriations.

3509. By Mr. O'BRIEN: Petition of citizens of Harrison County, W. Va., protesting against House bill 78, or any other bill that will in any way give preference to one religion above another; to the Committee on the District of Columbia.

3510. By Mr. O'CONNELL: Petition of the Council on National Parks, Forest and Wild Life, Washington, D. C., favoring increased appropriations for detection and suppression of fires; to the Committee on Appropriations.

3511. By Mr. PEAVER: Petition of numerous citizens of Lac du Flambeau, Vilas County, Wis., in favor of legislation to bring aid and relief to needy and suffering Civil War veterans and their widows; to the Committee on Invalid Pensions.

3512. By Mr. ROBINSON of Iowa: Petition from about 30 citizens of Cascade, Dubuque County, Iowa, urging the immediate passage of Civil War widows' pension bill; to the Committee on Invalid Pensions.

3513. By Mr. RATHBONE: Petition of citizens of Chicago, Ill., urging that immediate steps be taken on the Civil War pension bill; to the Committee on Invalid Pensions.

3514. By Mr. SHALLENBERGER: Petition against compulsory Sunday observance; to the Committee on the District of Columbia.

3515. By Mr. SINCLAIR: Petition of 17 citizens of Manning, N. Dak., in behalf of House bill 5601; to the Committee on the Civil Service.

3516. By Mr. SMITH: Resolution signed by Mrs. T. G. Mays, Jr., and 123 other residents of Boise, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3517. By Mr. STALKER: Petition of sundry citizens of Schuyler County, N. Y., urging the enactment of legislation for an increase in pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3518. By Mr. SWING: Petition of citizens of San Bernardino County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3519. Also, petition of citizens of Riverside, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3520. Also, petition of citizens of Oceanside, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3521. Also, petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3522. Also, petition of citizens of Beaumont, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3523. By Mr. TEMPLE: Petition of Shingiss Tribe, 339, Improved Order of Red Men, and Chartiers Valley Central Labor Union, Canonsburg, Pa., in support of House bill 25 and Senate bill 1727, known as the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

3524. By Mr. STEELE: Petition of 150 citizens of De Kalb and Fulton Counties, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance, especially the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

3525. By Mr. WELCH of California: Petition of Charles W. Carleton, secretary Tabernacle Seventh Day Adventists Church, San Francisco, Calif., containing 1,300 signatures, protesting against the passage of House bill 78, Lankford Sunday bill; to the Committee on the District of Columbia.

3526. By Mr. WYANT: Petition of Mount Pleasant (Pa.) Church of the Brethren, opposing Navy appropriation bill; to the Committee on Appropriations.

3527. Also, petition of Washington Camp, No. 627, Patriotic Order Sons of America, Salina, Pa., indorsing House bill 10078; to the Committee on Immigration and Naturalization.

3528. Also, petition of Henry A. Dreer, seed, plant, and bulb growers, advocating changes in postal laws; to the Committee on the Post Office and Post Roads.

3529. Also, petition of Izaak Walton League of America, indorsing House bills 15, 69, 357, 478, 5467, 5729, 5760, 6091, 6919, 7361, and Senate bills 1181, 1183, 1272, 1280, and 2171; to the Committee on Agriculture.

SENATE

THURSDAY, February 9, 1928

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

O Lord, who never failest to help and govern those whom Thou dost bring up in Thy steadfast fear and love, reveal in us the love that seeks and saves, the sacrifice of reconciliation, the very force that vibrates forever across the invisible fabric of the universe out of which the worlds are woven. Thrill into flame the spirits of all great men, that they may shine as beacon lights in the world, and touch into trembling glow ten thousand times ten thousand taper points of that great multitude of Thy children—the good who are not great. Grant this, O Lord, through Him who is the light of the world, our Saviour Jesus Christ. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to each of the following bills:

H. R. 5583. An act granting the consent of Congress to the Kansas City, Mexico & Orient Railway Co. of Texas and the Kansas City, Mexico & Orient Railway Co. to construct, maintain, and operate a railroad bridge across the Rio Grande River at or near Presidio, Tex.; and

H. R. 6099. An act granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain between Crown Point, N. Y., and Chimney Point, Vt.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes; requested a conference with the Senate on the disagreeing votes

of the two Houses thereon, and that Mr. CRAMTON, Mr. MURPHY, and Mr. TAYLOR of Colorado were appointed managers on the part of the House at the conference.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Ferris	McMaster	Shortridge
Bayard	Fess	McNary	Simmons
Bingham	Fletcher	Mayfield	Smith
Black	Frazier	Metcalf	Smoot
Blaine	George	Moses	Steck
Bleas	Gillett	Neely	Stelwer
Borah	Gooding	Norbeck	Stephens
Bratton	Gould	Norris	Swanson
Brookhart	Greene	Nye	Thomas
Broussard	Harris	Oddle	Trammell
Bruce	Harrison	Overman	Tydings
Capper	Hawes	Phipps	Tyson
Caraway	Hayden	Pine	Wagner
Copeland	Hedlin	Pittman	Walsh, Mass.
Couzens	Howell	Ransdell	Walsh, Mont.
Curtis	Johnson	Reed, Pa.	Warren
Cutting	Jones	Robinson, Ark.	Waterman
Dale	Kendrick	Robinson, Ind.	Watson
Deneen	King	Sackett	Wheeler
Dill	La Follette	Schall	Willis
Edge	McKellar	Sheppard	
Edwards	McLean	Shipstead	

Mr. JONES. I was requested to announce that the Senator from New Hampshire [Mr. KEYES] is detained from the Senate on official business.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

INTERIOR DEPARTMENT APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. SMOOT, Mr. CURTIS, and Mr. HARRIS conferees on the part of the Senate.

PETITIONS AND MEMORIALS

Mr. REED of Pennsylvania presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the enactment of Senate bill 744, the so-called Jones merchant marine bill, which was referred to the Committee on Commerce.

Mr. KING presented the following resolution of the Legislature of the State of Utah, which was referred to the Committee on Commerce:

STATE OF UTAH, EXECUTIVE DEPARTMENT, SECRETARY OF STATE'S OFFICE.

I, H. E. CROCKETT, secretary of state of the State of Utah, do hereby certify that the attached is a full, true, and correct copy of Senate Concurrent Resolution 3, by Mr. Auerbach, protesting against the passage of the Swing-Johnson bill, pending in Congress, or other similar legislation, passed by the Utah State Legislature on February 25, 1927, as appears on file in my office.

In witness whereof, I have hereunto set my hand and affixed the great seal of the State of Utah this 31st day of January, 1928.

[SEAL.]

H. E. CROCKETT,
Secretary of State.

Certificate of enactment

We hereby certify that the foregoing bill, known as Senate Concurrent Resolution 3, by Mr. Auerbach, "Resolution protesting against the passage of the Swing-Johnson bill, pending in Congress, or other similar legislation," having first been regularly passed by the legislature and presented to his excellency, the governor, and the same not having been approved by him, was returned by him with his objections to the house in which it originated, to wit, the senate, which house duly entered the governor's objection at large upon its journal, and proceeded, pursuant to section 8 of article 7 of the constitution of Utah, to reconsider the bill; that after such reconsideration the said bill again passed both houses of the legislature by a yea-and-nay vote of two-thirds of the members elected to each house, to wit, by a vote of 18 yeas, 1 absent and not voting, 1 deceased in the senate, and by a vote of 45 yeas, 6 nays, and 4 absent and not voting in the house, there having been elected

to the senate 20 members, 1 of whom had died and the vacancy caused by his death not having been filled, and to the house 55 members. We certify that the said bill was this 7th day of March, 1927, deposited with the secretary of state.

A. B. IRVINE,
President of the Senate.
S. M. JORGENSEN,
Speaker of the House.
H. L. CUMMINGS,
Secretary of the Senate.
E. L. CROPPER,
Chief Clerk of the House.

Resolution 3, protesting against the passage of the Swing-Johnson bill, pending in Congress, or other similar legislation

Be it resolved by the Legislature of the State of Utah (the governor concurring therein), That the State of Utah, through its legislature, hereby protests against the passage of the present Swing-Johnson bill, or any similar legislation, by Congress until provisions are made therein for an equitable apportionment of the waters of the Colorado River.

Resolved further, That the Governor of the State of Utah forward certified copies of this resolution to the President of the United States, the Secretary of the United States, to the Senators and Representatives in Congress from this State, and to the Governors of the States of Arizona, Colorado, California, New Mexico, Wyoming, and Nevada.

The foregoing Senate Concurrent Resolution 3 was publicly read by title and immediately thereafter signed by the president of the senate, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 25th day of February, 1927.

A. B. IRVINE,
President of the Senate.

Attest:

H. L. CUMMINGS,
Secretary of the Senate.

The foregoing Senate Concurrent Resolution 3 was publicly read by title and immediately thereafter signed by the speaker of the house, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 25th day of February, 1927.

S. M. JORGENSEN,
Speaker of the House.

Attest:

E. L. CROPPER,
Chief Clerk of the House.

Received from the senate this 25th day of February, 1927.

Received from the secretary of the senate and filed in the office of the secretary of state this 7th day of March, 1927.

H. E. CROCKETT,
Secretary of State.

Mr. SHORTRIDGE presented a memorial of sundry citizens of Monterey County, Calif., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions numerous signed by sundry citizens of the State of California, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. SIMMONS presented memorials numerous signed by citizens of Charlotte and vicinity, in the State of North Carolina, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

Mr. WILLIS presented memorials of sundry citizens of Cleveland, Ohio, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

Mr. JONES presented memorials of sundry citizens of Seattle and vicinity, in the State of Washington, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Sunnyside, Wash., praying for the passage of legislation granting farm relief by reducing freight rates, etc., which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Ferndale, Wash., remonstrating against the passage of legislation provid-

ing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Entiat, Wash., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Seattle, Wash., praying for the passage of legislation amending the immigration law so that the quota distribution may be based on the census of 1890, and that the present quota distribution based on national origin be annulled, which was referred to the Committee on Immigration.

He also presented a resolution adopted by Leif Erikson Lodge, No. 1, Sons of Norway, and the Valkyrien Lodge, No. 1, Daughters of Norway, protesting against the quota provision of the present immigration law and requesting that the quotas for the Scandinavian countries remain undisturbed, which was referred to the Committee on Immigration.

Mr. NORBECK presented a resolution adopted by Spirit Mound Local, No. 400, Farmers' Educational and Cooperative Union of America, of Vermillion, S. Dak., favoring a fair and just investigation of the meat-packing industry, which was referred to the Committee on Agriculture and Forestry.

Mr. COPELAND presented a resolution adopted at a meeting in the city of New York, N. Y., of members of the Council on National Parks, Forests, and Wild Life, favoring the making of adequate appropriations for forest-fire prevention, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Rochester and Buffalo, N. Y., remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the National Guard Association of the State of New York, favoring the passage of the so-called Tyson-Fitzgerald bills, providing for the retirement of emergency officers of the Army in service during the World War, which was ordered to lie on the table.

He also presented a resolution adopted by the National Guard Association of the State of New York, favoring the passage of legislation for the holding of national shooting matches annually in connection with the School for Small Arms Firing, which was referred to the Committee on Military Affairs.

Mr. McLEAN presented petitions of Lodge No. 22, of Bridgeport, and Elm Lodge, No. 420, of New Haven, both of the International Association of Machinists, in the State of Connecticut, praying for the passage of legislation providing for the reconditioning of the U. S. S. *Mount Vernon* and the U. S. S. *Monticello*, so that employees of the navy yards may be kept working, which were referred to the Committee on Commerce.

He also presented memorials of sundry citizens of New Haven, Bridgeport, and Hamden, all in the State of Connecticut, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by Council No. 6, Junior Order United American Mechanics, of Bridgeport, Conn., protesting against the repeal of the national-origins quota provision of existing law and urging Congress to carry into execution that provision of the immigration act of 1924, which was referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Cromwell, Conn., remonstrating against the adoption of the proposed naval-building program, which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES

Mr. BROOKHART, from the Committee on Military Affairs, to which was referred the bill (S. 2007) to authorize the Secretary of War to pay officers and Filipinos formerly enlisted as members of the National Guard of Hawaii for field and armory training during years 1924 and 1925, and to validate payments for such training heretofore made, reported it with an amendment and submitted a report (No. 274) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 3066) for the relief of Herman Shulof, reported it with an amendment and submitted a report (No. 275) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (S. 3062) for the relief of Anna Faceina, reported it without amendment and submitted a report (No. 276) thereon.

Mr. FESS, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 23) providing for the

participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779, reported it with amendments and submitted a report (No. 277) thereon.

REPORT OF THE SESQUICENTENNIAL OF AMERICAN INDEPENDENCE AND THOMAS JEFFERSON CENTENNIAL COMMISSION

Mr. BINGHAM. From the Committee on Printing I report a resolution and ask for its immediate consideration.

The resolution (S. Res. 143) was read, as follows:

Resolved, That the manuscript entitled "Report of the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States" be printed as a Senate document.

Mr. BINGHAM. I will state that the estimate of the cost of this printing is given by the Public Printer at \$587.23.

The resolution was considered by unanimous consent and agreed to.

MUSCLE SHOALS

Mr. NORRIS. Mr. President, I want to submit a request for a reprint of the report which I have previously made relating to Muscle Shoals. In this report I gave the cost of nitrate plant No. 2 at Muscle Shoals at something over \$67,000,000. While I think that is technically correct, and it is the figure which the War Department carries on its books as the cost of that plant, at the same time I believe that it is just a little misleading. I want to reprint the report with a modification and explanation of that statement. I ask unanimous consent for a reprint with the correction I have suggested.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. NORRIS. While I am on my feet I would like to give notice that, as soon as the resolution of the Senator from Wisconsin [Mr. LA FOLLETTE], which is now the unfinished business, is disposed of I shall, if I can get recognition, make a motion to take up the Muscle Shoals joint resolution.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 3093) amending Subchapter XII—fraternal beneficial associations—of the Code of Law for the District of Columbia to provide protection on the lives of children by fraternal beneficial associations; to the Committee on the District of Columbia.

By Mr. SMOOT:

A bill (S. 3094) for the relief of Hanmer Peterson; to the Committee on Claims.

A bill (S. 3095) to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918; to the Committee on Finance.

By Mr. WALSH of Massachusetts:

A bill (S. 3096) granting an increase of pension to Esther A. Ela; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 3097) for the relief of the State of North Carolina; to the Committee on Claims.

By Mr. THOMAS:

A bill (S. 3098) for the relief of A. G. Wilson; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 3099) granting an increase of pension to Lulu E. Winans; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3100) to facilitate and simplify the work of the Department of Agriculture in certain cases; to the Committee on Agriculture and Forestry.

By Mr. JONES:

A bill (S. 3101) granting a pension to Margaret K. Walker (with accompanying papers); to the Committee on Pensions.

A bill (S. 3102) for the relief of William Ellis McCarthy; to the Committee on Naval Affairs.

By Mr. TRAMMELL:

A bill (S. 3103) directing an investigation to determine the advisability of establishing a national park in the State of Florida; to the Committee on Public Lands and Surveys.

A bill (S. 3104) directing an investigation of reclamation of swamp and overflowed lands and plans for Government cooperation; to the Committee on Irrigation and Reclamation.

By Mr. CAPPER:

A bill (S. 3105) granting an increase of pension to Martha A. McLin (with accompanying papers); to the Committee on Pensions.

A bill (S. 3106) to change the name of Railroad Avenue between Nichols Avenue and Massachusetts Avenue; to the Committee on the District of Columbia.

By Mr. COPELAND:

A bill (S. 3107) to regulate the practice of the healing art to protect the public health in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SWANSON:

A bill (S. 3108) for the relief of Lucy H. Doak (with an accompanying paper); to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 3109) for the relief of Frank Johnston; and

A bill (S. 3110) granting compensation to Edward Byrne (with accompanying papers); to the Committee on Finance.

A bill (S. 3111) granting a pension to Mary E. Evans;

A bill (S. 3112) granting a pension to Sophronia O'Neill;

A bill (S. 3113) granting an increase of pension to Josephine I. Harrington; and

A bill (S. 3114) granting an increase of pension to John G. Slate; to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 3115) granting a pension to Catherine Foley; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 3116) providing half holidays for certain Government employees; to the Committee on Civil Service.

By Mr. BINGHAM:

A bill (S. 3117) for the relief of the State of Connecticut (with an accompanying paper); to the Committee on Claims.

By Mr. HARRISON:

A bill (S. 3118) to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss.; and

A bill (S. 3119) to authorize the construction of a temporary railroad bridge across Pearl River, at a point between or near sections 33 and 34, township 8 north, range 3 east, in Madison County, Miss., and sections 3 and 4, township 7 north, range 3 east, in Rankin County, Miss., and between Madison and Rankin Counties, Miss.; to the Committee on Commerce.

CHANGES OF REFERENCE

On motion of Mr. NORBECK, the Committee on Banking and Currency was discharged from the further consideration of the bill (S. 2795) to amend subdivision c of section 47 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended, and it was referred to the Committee on the Judiciary.

Mr. BROOKHART. I introduced a bill (S. 1878) to amend section 5137 of the Revised Statutes, as amended, which was referred to the Committee on the Judiciary. It should have gone to the Committee on Banking and Currency. With the consent of the chairman of the Judiciary Committee, I ask that that change of reference be made.

The PRESIDING OFFICER (Mr. McNARY in the chair). Without objection, it is so ordered.

INVESTIGATION OF PUBLIC UTILITY CORPORATIONS

Mr. BLEASE submitted an amendment intended to be proposed by him to the resolution (S. Res. 83) authorizing an investigation of public utility corporations, which was ordered to lie on the table and to be printed.

AMENDMENTS TO TAX REDUCTION BILL

Mr. TRAMMELL and Mr. ROBINSON of Indiana each submitted an amendment intended to be proposed to House bill 1, the tax reduction bill, which were separately referred to the Committee on Finance and ordered to be printed.

IMPERIALISM IN CENTRAL AMERICA

Mr. BINGHAM. Mr. President, I present an article from the World's Work for February, 1928, entitled "Are we imperialists? And what imperialism does in Central America," by Samuel Crowther, which I ask may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARE WE IMPERIALISTS? AND WHAT IMPERIALISM DOES IN CENTRAL AMERICA

By Samuel Crowther

[Does the eye of Latin America, looking at our American eagle as a symbol of political liberty and freedom for all, see a vulture seeking to prey upon all backward and smaller neighbors? Shortly before the opening of the Pan American Conference at Habana and before the Lind-

bergh good-will flights, Mr. Crowther asked this question of the Presidents and high officials of the Central American Republics, and here he gives their answers.]

I set out to find the American imperialistic eagle. My search ranged pretty much all over Central America. Though I heard that the bird had been seen, it was always in the next country. And when I came to that country I found that it had not been there but was quite likely in some other country. Thinking that if anyone had first-hand knowledge it would certainly be the Presidents of these little Republics, I saw and talked with all of them. Here is what I saw and what they said.

1

Most of the half-million Costa Ricans are grouped on the high, rolling plateau that holds the cities of Cartago and San Jose and on a narrow strip of country extending along the railroad that follows the Reventazon River to Port Limon and the sea. The plateau grows coffee—very fine coffee, every berry of which is inspected and graded at the beneficios—coffee-drying stations—just as though they were so many diamonds. All native Costa Ricans are in coffee or in politics or related to Minor C. Keith. The volume of coffee production has remained more or less stationary for nearly half a century. Politics is a closed-shop industry with very little provision for apprentices. Everything else was started by Mr. Keith or by the successor to part of his undertakings—the United Fruit Co.

Mr. Keith is the ranking American citizen of Central America. He is now past 80 and lives in New York, but he is more active now throughout nearly every section of Central America than he was almost 60 years ago, when he found himself with a contract to build a narrow-gauge railroad from the sea to the top of the mountains. Several contractors had already failed, and the Republic had no money. So Keith's concession was hardly wrung from a cringing government—it gave the young man a good chance to close his career at its start.

Gathering together a crew of assorted beach combers and importing some shiploads of darkies from the Mississippi levees, he built the road, finding the money in England as he went along—for in those days the United States was a borrowing and not, as to-day, a lending Nation. Later Keith took another contract by which he filled up and drained Port Limon, thereby executing the first bit of sanitation ever done in the American Tropics. Still later the Government, with some aid from Keith, built the railway down the other side of the mountains to Puntarenas on the Pacific.

Thus it came to pass that Costa Rica was the first of all the Central American countries to have a railway from its capital to the sea and, until lately, the only one to have a railway connection with both oceans. Also, it was the first to come into direct contact with American enterprise, for Keith began to plant bananas along the Caribbean to make business for the railroad, and he persuaded others to plant. Then he organized a company to handle these bananas, and finally this company became a part of the United Fruit Co. In these once worthless malarial swamps the company has invested about \$10,000,000 in railway spurs, drainage canals, houses, hospitals, and offices, and each year pays out about \$7,000,000 in wages, in buying bananas from local planters, in railway freight charges and in taxes. The former income of this section was exactly nothing, while the income on the Pacific side of the railroad, where American enterprise has not penetrated, is still almost nothing.

Apparently nothing of much consequence has been done in Costa Rica except by Americans for nearly half a century, and since Americans have been in Costa Rica longer than they have in any of the other countries of Central America, I thought that the President ought to know a good deal about American imperialism, and especially since in San Jose almost every family of prominence has American connections by marriage.

The presidential palace in San Jose is not palatial. It is a one-story frame building facing the national park, which is away from the center of town. A policeman let me into a plain, wooden hall, from which opened several offices, showing odds and ends of desks and a few ancient but not antique red plush chairs. In a moment or two Don Ricardo Jiménez Oreanuno—he is known as Don Ricardo Jiménez—entered. He looks what he is—a perfectly independent man. He was President once before, from 1910 to 1914, and had no desire to be President again. But in 1924 he was more or less forced into the job to avoid a party split, and he is being President in exactly his own way—his political future is behind him. He is the best lawyer of the country, but he is not a rich man, because in his practice he has always set his fees according to what he thought his services were worth, not according to his client's pocketbook. This is more unusual than not becoming rich by being President.

"The foreign capital invested in this country," he said, speaking English slowly but well, "has been of great benefit. American capital, some of our people feared, might lead to intervention and imperialism, but it has not. It has been invested in the country and given employment to our people, and in every way the country has benefited from its being here."

"There are no American concessions or monopolies, and as long as I have known the affairs of my country, which is a very long time, Americans have never mixed in politics or had candidates or sought

to influence elections or attempted to exercise any influence outside of their own business affairs. They have stood up for their rights, but they have asked no favors. They have received no favors, but I hope they have had their rights.

"Not long ago we borrowed \$8,000,000 through American bankers, and of this nearly six millions were used to retire internal loans at a high rate of interest. This loan was opposed but not intelligently. It represented a sensible refunding of our obligations and has saved us a great deal of money as well as released capital for home purposes, and this has stimulated business. Also, we have had the additional capital to build roads. Only a small part of our country is as yet developed. We could support many times our present population, but we can not do this until we can build automobile roads, and for this we shall need still more money.

"Whatever imperialism may be, it is not here. We do not know it, and we never expect to know it."

II

Honduras is twice as big as Costa Rica, being slightly larger than Pennsylvania, and it is supposed to have about three-quarters of a million people, according to the last very sketchy census; but while in Costa Rica nearly the whole population is concentrated in a small, highly cultivated area, and the rest of the country is hardly more than explored, the people of Honduras are scattered over the mountains and valleys from the Caribbean to the Pacific, with the greatest concentration in the fruit regions of the Caribbean. Once one has left these fruit territories with their railroads, the mule becomes the only sure method of getting anywhere. The strength of a government depends upon its ability to enforce law and order, and this in turn depends upon its ability rapidly to concentrate its forces, and without roads this is impossible.

Tegucigalpa, the capital of Honduras, is away off in the mountains, and until an American company put in a radio station it did not have even decent telegraphic communication with the rest of the country. The jefe politicos, if they control the comandantes of their districts, as they invariably do, can act about as they please, and revolutions are a matter of expediency rather than opportunity.

Tegucigalpa itself is a sprawling little city without any particular reason for existence except to be the country's capital. It has almost no business or trade and is utterly isolated. It is even harder to get out of it to the Caribbean than it is to get into it from the Pacific, for, while the road up from San Lorenzo is bad enough in any weather, still it may be used by automobiles even in the rainy season, if one keeps a sharp watch for slides and washouts. But the road north, although another good piece of engineering as far as Lake Yojoa, is not kept up, and so in bad weather only a mule can get through. The difficulty with nearly all Latin American improvements is that small provision is ever made for upkeep. From the lake to the head of the railway line the road is almost impassable, unless the weather be very dry.

The head of the railroad marks the beginning of the Americanized territory. There is one large American mining company, the Rosario, in the interior, but outside of small cattle ranches and some desultory coffee growing there is nothing in Honduras excepting the strip about 30 miles wide along the Caribbean coast, where three American fruit companies operate in bananas and sugar. Even lumbering does not pay well enough to make it worth anyone's while seriously to bother with it. Practically the whole income of the country is derived from the American capital invested on the Caribbean.

This section is a different world. It has railways, electric lights, sanitation, hospitals, modern piers, and steamship services. The total investment of the several companies is in excess of \$40,000,000, and they annually pay in wages, taxes, and fruit purchases at least \$10,000,000. Their customhouses are the sources of the country's big revenues, and so an astute revolutionist begins by seizing one of these ports and trying to collect the customs; and with the seat of government so far away, he can, if he has the cooperation of the local comandante, hang onto a customhouse for a couple of weeks and finance himself very nicely out of the proceeds.

The strength of any government in Honduras depends upon the strength of the general who stands behind it. The strength of the present government is General Carias, who is nearly a full-blooded Indian. He is the leader of the National Party and led the revolution of 1924 against the Liberals, who held Tegucigalpa. Instead of making himself President, he was content with being president of Congress and also president of the permanent committee, which functions when Congress is in recess; it actually has more to do with running the country than has Congress, and it can even depose the President. General Carias is dictator in fact although not in name, but unlike most dictators he seems to dislike showing his authority. He lives in the mountains about 20 miles from the capital in an unpretentious little one-story place, with a roadside store in front. He mounts his horse and rides into the capital only when he is needed.

Dr. Miguel Paz, the President, is a country doctor and never had been in politics before his election. He began his medical education in Guatemala, then he studied in London and Paris and finally in New York, but he is in no sense a cosmopolite, nor is he a politician. His real

interest is medicine, and he gives the impression of not being very comfortable as President. The main thing on the President's mind was roads.

"We must have both railroads and automobile roads," he said. "Our people are very poor, because in the interior it costs so much to move goods. We could be raising cattle on a larger scale, we could be lumbering, we could be doing many things if only we had more roads. Then the whole country could be opened up in the same way that the north coast has been opened up by the Americans.

"American capital has been of great benefit to us. It is responsible for nearly all the business of the country. We want more, not less, American capital, and we shall do everything we can to make investment safe and profitable."

"Have the American companies or has the American Government done anything that could be classed as imperialistic? Have they interfered in any way with your own sovereignty?" I asked.

"No," he answered; "in no way. No American company has ever been in politics, and the few Americans who have ever taken an active part in our political affairs were acting for themselves—they were 'soldiers of fortune.' They were members of our own parties and did not represent foreign interests. Whenever your Government has landed marines it has been for the purpose of protecting property from useless destruction. We are not interfered with in any way, and I feel that the presence of the United States and the Monroe doctrine, far from being a menace, constitute our greatest protection."

III

The wildest stories of American imperialism center around Nicaragua because our marines have frequently landed there. I read in one socialistic publication that American bankers had earned, or rather taken, \$39,000,000 in profits out of this Republic, which impressed me as something of an achievement. After looking Nicaragua over, I discovered that the taking of such an amount would not be an achievement at all, but a miracle!

The first floor of the presidential palace was American and military. The second floor was Nicaraguan and nonmilitary. A big waiting room was filled with orderly rows of the large bent-wood rocking chairs, without which no Central American home is complete, and every chair held a fat, barefooted peasant woman, who had come hunting for news of husband or sons, and would never find any because no one ever knows who is in the army.

President Diaz was in another large room, likewise filled with chairs; but he was alone. He did not look at all like a man whose life outside that cordon of marines would have been worth next to nothing. Neither did he look like a man who had been shot at many times and who once before had sat in this same room supported by the forces of the United States. On the contrary, he seemed to be a very quiet, peaceful man, with a pleasant but not at all strong face. His friends like him intensely and his enemies hate him intensely, but there is nothing about him to show why. His manner is exceedingly quiet, although not reserved. Ever since he first came into office as Vice President in 1910 on the overthrow of the dictator Zelaya, he has advocated an American protectorate as the best way out for Nicaragua.

"The only solution that will insure peace for Nicaragua," he told me, "is an arrangement such as you have for Cuba under the Platt amendment, which gives you the right to intervene in the case of revolution and also gives a certain supervision over finances."

"I proposed this when I was President before. I think it would be welcomed by all of my countrymen who have the interests of their country at heart, for it is the only method that will overcome the habit of revolution. We had no revolutions while the legation guard was here, but that was an unofficial arrangement. I think that an official arrangement by which revolution could be made impossible would bring American money into this country and let us develop our resources."

"Our two parties, the Liberals and the Conservatives, hold to exactly the same principles, and our revolutions are concerned not with principles but only with personalities."

"All Nicaraguans are friends of the United States. There is no real anti-American sentiment, but a great deal has been manufactured by Mexico. This revolution was purely of Mexican origin, and our people when in revolution will take aid from anywhere. The Liberals know as well as I know that it is to the United States and not to Mexico that Nicaragua must look."

"We have not enough American money in Nicaragua. If we could have secured the loan in 1911 to build a railroad across the country the revolutionary habit would by this time have died. As it is, we are separated from the Caribbean by mountains and jungles and have had no opportunity to become a unified country."

"We are now just where we were 16 years ago, and it is a question of building up all over again. If the United States would build the canal, that would benefit everybody, but we can become a rich country without the canal, if only we can get the railroad. There has never been any American imperialism in Nicaragua. It is simply that we have been saved from the worst consequences of our purely sectional wars."

IV

Little Salvador has lost the habit of revolution. It is only a tiny country of seven thousand odd square miles, literally hanging on the shores of the Pacific, but it has more than a million and a half people, and is thus of the Central American Republics second in point of population to Guatemala, which has about 2,000,000 people, but is nearly seven times as large.

Salvador, like Switzerland, has made the most of its mountains, and with fewer natural advantages than any other Central American Republic has forced its way ahead through coffee growing. The chief barrier to progress in all of these countries is revolution, and Salvador has not had a revolution since 1898. One of the principal reasons is that Minor Keith built a railroad practically the length of the country. Thus troops may be mobilized anywhere within a day. This means that they do not have to be mobilized and the people can use the railroad to transport their products through all seasons of the year. Now the railroad is being continued to join the Guatemalan section of the International Railways of Central America, so that within six months it will be possible for Salvador to ship its goods out of Puerto Barrios, the Caribbean port of Guatemala, and take advantage of its frequent services.

The completion of the connecting link of the railroad will mark the first joining of two Central American countries by railroad. It seems remarkable, but the only convenient way of getting from one Central American country to another is by going to the coast and taking a ship. Otherwise one must go by mule back through the jungle. This is the real reason why no union of Central American Republics has ever lasted. There can be no union until they have established communication with one another.

Salvador has an American loan. It is the only loan of consequence in Central America. One might imagine from listening to the American anti-imperialists that one could not swing a cat anywhere in Central America without hitting a rapacious banker. Actually, all these countries are trying to get money. They show a surprising desire to become the victims of American imperialism. The Salvadorian loan was made in 1922, principally because the English loan was in default. It is a consolidated loan, under which an American fiscal representative, W. W. Renwick, collects 70 per cent of all the imports and exports. Salvador liked his work so well that he now collects all the customs, including their own 30 per cent.

The loan was partly a consolidation but also gave some new money. The new money was mostly spent, under supervision, in providing the city of San Salvador with modern municipal improvements. This work includes a water system, sewers, electric and telephone ducts, and street paving. San Salvador is the first really modernized Central American city outside of the Canal Zone. Now, out of the portion of the funds collected by the fiscal agent and practically out of money that before his régime never saw the light, a road program is being undertaken.

The one thing that all parties in Salvador seem to agree on is that the American loan has been a success, and this in spite of a quite considerable anti-American feeling that has been worked up, and also in spite of the fact that the customs receipts of the country are pledged. The rub in these arrangements, which not only pledge revenues but also have them collected by a foreigner, is that it involves a loss of sovereignty—which is true. But the situation has been so humanly handled by Mr. Renwick that no one seems to bother about the technical situation. The English bonds that were in default were a lien on the customs. It was the British who discovered that the customs were the only tangible assets on which to lend.

I saw the new President, Dr. Pio Romero Bosque, a few weeks after his inauguration and almost before he had a real introduction to his office. Seeing the President of Salvador involves more formality than seeing any other of the Central American Presidents. The Casa Presidencial is only a single-story building, but it is opposite the armory of the First Infantry Regiment, which is a pretentious structure taking in a whole city block. It is really a fort. Sentries patrol every side, and high up on each corner are steel cages with more sentries. The entry into the President's house is somewhat surprising, for one goes through a small door and pops most unexpectedly into a room completely lined with soldiers sitting bolt upright with their rifles, bayonets fixed, between their knees. It is just as though one dropped into an animated cutlery shop. The waiting room is along a small and very pretty court filled with flowers, and hanging at the end is a large painting of the signing of the Salvador declaration of independence in 1823.

"It is most important for us to continue to get roads and sanitation throughout the country as well as in San Salvador," said the President. "Our financial arrangements are working out so well and we should have the money as we need it without the necessity for borrowing more. And we are collecting taxes on capital that it was said we could not collect. The tax laws may have to be changed, but we shall, I am sure, be able to pay for all improvements out of revenues."

Knowing that he had the reputation of being a Mexican sympathizer, I asked him:

"What do you think Mexico has in mind with all its propaganda, most of which is against the United States?"

"Mexico is working for an ideal," he said, vaguely. And answering a further question he went on: "No; Mexico does not represent that ideal and is not living up to it, but they are trying to do something, and I do not believe that it is aimed against the United States, for that would be only foolish. There could be no war between the United States and Mexico. I can not conceive of such a war, but since you ask me what this country would do in such an event, I can say only that Salvador would remain strictly neutral."

"We have not had much experience in Salvador with American money, and I have heard of imperialism, but I can not say that I know exactly what it means. Your countrymen have built our largest railroad, they have done the improvement work here, they negotiated our loan, and our largest bank is owned by Americans. There are no American concessions in the sense of monopolies, and we have been asked for none. In fact, all of our relations with Americans have been very pleasant, and I can see no reason why they should not continue so. We need you more than you need us."

V

Gen. Lázaro Chacón, the President of Guatemala, is commonly termed "The Unknown Soldier," for until he became President at the death of Orellana last year, he had never been anything but a soldier. I talked with him in the Presidential Palace, which is an unpretentious one-story building facing the plaza and across from the barracks of the Guard of Honor that Chacón formerly commanded and where he still has his quarters. He does not speak English, but the chief of the protocol in the foreign office lived for years in New York and proved to be an ideal interpreter. I asked him if the capital that had come into his country from the United States had been a benefit or a hurt, and if he had detected signs of imperialism.

"The capital from the United States has been wholly a benefit," he answered. "It has raised wages on the coast to several times what are paid in the interior. We should welcome more capital and must look to the United States not only for it but also for guidance. I have never heard of imperialism in this country. In fact, I do not know of any American company having asked for or having received anything to which it was not justly entitled. There are no American monopolies, and we have been asked for none. All the best works we have are the result of American capital."

Next I talked with the Minister for Foreign Affairs, Dr. José Matos. I asked him about the extent of Mexican propaganda in his country.

"There is a great deal of Mexican propaganda," he answered. "It is very disturbing. We have had many raids on the border and also we have had to ask many Mexicans to leave. There is also a deal of bolshevist preaching, but this, I think, is not effective, for our people have no liking for socialism. We are doing our best to combat all of this, but you know that we must keep friendly with Mexico, for they are our neighbors, and with the long boundary their armies could cross anywhere and crush us. We hope that the United States would protect us, but you might be a long time taking action. And then where should we be?"

"As I see the situation, you will some time take Nicaragua as a canal route. Costa Rica will then be only a State between two canals. This means that Honduras, Salvador, and Guatemala must unite on economic lines. The day of political union has passed. We must unite for our own development, and the money for that development must come from the United States. We need money for roads and water power. As for the United States being imperialistic, that is nonsense. I know your country too well."

General Orellana encouraged Minor Keith in the building of the railroad, which had been started years before, and now the road goes from Puerto Barrios on the Caribbean right through to the Pacific, with a spur leading up toward Mexico, and another, as has been mentioned, on its way to make connection with Salvador. There have been no revolutions since this road went through, and it looks as though the habit were no more. But the road that represents an investment to date of upwards of \$45,000,000 would not be a paying investment had not the United Fruit Co. reclaimed the wastes of the Caribbean and made banana plantations out of the wilderness at a cost of about \$10,000,000 and installed its usual system of sanitation, hospitals, towns, and modern equipment.

ALIEN PROPERTY AND OTHER CLAIMS

Mr. SMOOT. From the Committee on Finance I report back favorably with amendments the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds, and I submit a report (No. 273) thereon.

I wish to state that I shall have a copy of the bill, together with the report, placed upon the desk of every Senator within the next 15 minutes. This is a very important piece of legislation and I want to call it up for consideration at the very

first opportunity. Therefore, I ask that Senators may read the report, because it has been made quite full in explanation of every provision of the bill and every amendment thereto. I do not think it is going to take very long to pass the bill.

Mr. BORAH. Mr. President, may I ask the Senator, in order to save a little time, if there have been any considerable changes from the bill as it passed the House?

Mr. SMOOT. There are quite a number of changes. There are the Austrian claims and Hungarian claims which are incorporated in the bill now. There are also some minor changes. The Senate committee agreed to the valuation to be placed upon the ships of \$100,000,000, or not more than that amount. They also agreed to the amount of retained German property of 20 per cent, the same as the House provided. As to the other amendments in the bill, the report gives a detailed statement as to just why the amendments are made and what effect they have.

Mr. OVERMAN. Does it give a list of the claimants?

Mr. SMOOT. No; it gives the amount of the claims, but not the list. That is in the office of the Alien Property Custodian.

Mr. HARRISON. Mr. President, may I ask the Senator a question before he takes his seat?

Mr. SMOOT. Yes.

Mr. HARRISON. I understood the Senator from Nebraska [Mr. NORRIS] to say that following the passage or defeat of the pending resolution he proposed to make a motion to take up the Muscle Shoals bill. Does the Senator from Utah propose to wait until after the Muscle Shoals bill shall have been disposed of before he moves to take up the alien property bill, or what is the understanding with reference to it?

Mr. SMOOT. Mr. President, I took it for granted that the statement of the Senator from Nebraska referred to by the Senator from Mississippi was merely an announcement of the intention of the Senator from Nebraska. I have just stated to the Senate that I desire to take up the alien property bill at the first opportunity. The committee which considered the bill was virtually unanimous in reporting it, and I do not think debate and disposition of the bill will take very long.

Mr. HARRISON. I agree with the Senator that it ought not to take very long to pass the alien property bill, and it should be taken up as soon as possible so that it may be passed.

Mr. SMOOT. It is my intention to get the bill before the Senate at the earliest possible moment.

Mr. ROBINSON of Arkansas. Mr. President, what does the Senator from Utah mean by his statement that the report of the committee on the alien property bill is virtually unanimous?

Mr. SMOOT. I refer to the fact that there are one or two items in the bill as to which members of the committee reserve the right to offer amendments on the floor of the Senate.

Mr. ROBINSON of Arkansas. There are items that are contested, but there is no minority report?

Mr. SMOOT. There is no minority report on the bill.

Mr. KING. Mr. President, as a member of the Finance Committee I desire to say that there are some features of the bill which do not meet my approval and there are some amendments which I shall desire to tender, but in the main I subscribed to the report simply because we had to do so. The bill deals with an important subject; we have got to dispose of it, and compromises of a very important character have to be made in order to secure any legislation covering the questions involved.

ASSISTANT PRINTING CLERK

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 140), submitted by Mr. WATSON on the 6th instant, providing for the employment of an assistant printing clerk in the office of the Secretary of the Senate, reported it without amendment.

The VICE PRESIDENT. Does the Senator from Illinois desire the immediate consideration of the resolution?

Mr. DENEEN. No; I am not making that request.

The VICE PRESIDENT. The resolution will be placed on the calendar.

INVESTIGATION OF PUBLIC UTILITY CORPORATIONS

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 83), submitted by Mr. WALSH of Montana on December 17, 1927, authorizing an investigation of public utility corporations, reported it with an additional amendment.

Mr. WALSH of Montana. I ask unanimous consent for the immediate consideration of the resolution.

SEVERAL SENATORS. Let it be read.

The VICE PRESIDENT. The clerk will read the resolution for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 83), as proposed to be amended, as follows:

Senate Resolution 83, Report No. 225

IN THE SENATE OF THE UNITED STATES,
December 17, 1927.

Mr. WALSH of Montana submitted the following resolution; which was ordered to lie over under the rule. December 19, 1927, referred to the Committee on Interstate Commerce. February 1 (calendar day, February 2), 1928, reported by Mr. WATSON, with amendments. February 6, 1928, referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Resolution

Resolved, That a committee of five Members of the Senate be appointed by the President thereof, and be hereby empowered and directed to inquire into and report upon: (1) The growth of the capital assets and capital liabilities of public utility corporations doing an interstate business supplying either electrical energy in the form of power or light or both, however produced, or gas, natural or artificial, of corporations holding the stocks of two or more public utility corporations operating in different States, and of nonpublic utility corporations owned or controlled by such holding companies; (2) the method of issuing, the price realized or value received, the commissions or bonuses paid or received, and other pertinent facts with respect to the various security issues of all classes of corporations herein named, including the bonds and other evidences of indebtedness thereof, as well as the stocks of the same; (3) the extent to which such holding companies or their stockholders control or are financially interested in financial, engineering, construction, and/or management corporations, and the relation, one to the other, of the classes of corporations last named, the holding companies, and the public utility corporations; (4) the services furnished to such public utility corporations by such holding companies and/or their associated, affiliated, and/or subsidiary companies, the fees, commissions, bonuses, or other charges made therefor, and the earnings and expenses of such holding companies and their associated, affiliated, and/or subsidiary companies; and (5) the value or detriment to the public of such holding companies owning the stock or otherwise controlling such public utility corporations immediately or remotely, with the extent of such ownership or control, and particularly what legislation, if any, should be enacted by Congress to correct any abuses that may exist in the organization or operation of such holding companies.

The committee is further empowered and directed to inquire and report whether, and to what extent, such corporations or any of the officers thereof or anyone in their behalf or in behalf of any organization of which any such corporation may be a member, through the expenditure of money or through the control of the avenues of publicity, have made any and what effort to influence or control public opinion on account of municipal or public ownership of the means by which power is developed and electrical energy is generated and distributed, or to influence or control elections: *Provided*, That the elections herein referred to shall be limited to the elections of President, Vice President, Members of the United States Senate and of the House of Representatives.

That the said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper, and to require the attendance of witnesses by subpoenas or otherwise; to require the production of books, papers, and documents; and to employ counsel, experts, and other assistants, and stenographers, at a cost not exceeding \$1.25 per printed page. The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpoenas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee, or appears and refuses to answer questions pertinent to said investigation, shall be punished as prescribed by law. The expenses of said investigation, which shall not exceed \$30,000, shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The committee or any subcommittee thereof is authorized to sit during the sessions or the recesses of the Senate, and until otherwise ordered by the Senate.

Mr. WALSH of Montana. I will change my request and ask unanimous consent for the consideration of the resolution at the close of morning business on Monday next.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Mr. President, I inquire if the consideration of the resolution will lead to any extended debate?

Mr. WATSON. I think it will, I will say to the Senator. I think there will be quite a lengthy debate on it.

Mr. SMOOT. Mr. President, I wanted not later than Monday to call up the alien property bill for consideration. I do not think it is going to take very long to pass the bill. It ought to be passed so that it may go to conference at the earliest day possible.

Mr. WALSH of Montana. Let us say, then, that the consideration of the resolution is not to interfere with the consideration of the alien property bill.

Mr. SMOOT. That is satisfactory to me.

Mr. DILL. May we have an understanding that there will be no vote on Monday?

Mr. WATSON. On what?

Mr. DILL. On the resolution.

Mr. WATSON. I do not think that a unanimous-consent agreement of that kind could be reached, because nobody knows how long the debate will last.

Mr. DILL. There are a number of Senators who will not be here on Monday; I am one of them; and I hope we can have such an understanding as I have indicated.

Mr. WATSON. A number of Senators will be absent from the city speaking on Lincoln's birthday, which occurs on Sunday, February 12, but the celebration of which will come on Monday, the 13th. It might be entirely agreeable that no vote be taken on Monday, but I think the resolution ought to be taken up for discussion on Monday.

Mr. ROBINSON of Arkansas. Mr. President, I apprehend there will be no difficulty about the matter of a vote on Monday. The Senator from Montana himself probably would not desire a vote on Monday or Tuesday. Until that time Senators who want to be present when the vote is taken will be absent, but I do think that the consideration of the resolution should be proceeded with on Monday.

Mr. WATSON. Subject to the alien property bill.

Mr. ROBINSON of Arkansas. Certainly.

Mr. WATSON. Very well.

The VICE PRESIDENT. The Senator from Montana asks unanimous consent that Senate Resolution 83, which has been read, be considered on Monday.

Mr. WATSON. Subject to the consideration of the alien property bill.

Mr. SMOOT. Yes.

The VICE PRESIDENT. The Chair will inquire at what time on Monday?

Mr. WALSH of Montana. I will say at the conclusion of the morning business.

The VICE PRESIDENT. At the conclusion of the morning business, subject to the consideration of the alien property bill.

Mr. SIMMONS. Mr. President, then that does not mean that we are to vote on Monday?

Mr. WALSH of Montana. Oh, no.

Mr. WATSON. No; that is not the meaning.

Mr. SIMMONS. But merely that the resolution shall be taken up at that time?

The VICE PRESIDENT. That it will be taken up subsequent to the consideration of the alien property bill.

Mr. BINGHAM. At what time on Monday—after the conclusion of the morning business?

Mr. WATSON. Yes.

The VICE PRESIDENT. Is there objection?

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry. Does that mean, if the alien property bill takes all day Monday, that the unanimous consent agreement will have no application or that the resolution of the Senator from Montana will be taken up on Tuesday?

Mr. WATSON. That it will be taken up immediately on the conclusion of the alien property bill, as I understand.

Mr. REED of Pennsylvania. On whatever day the alien property bill shall have been disposed of?

Mr. WATSON. Yes.

Mr. REED of Pennsylvania. I have no objection to that.

Mr. ROBINSON of Arkansas. I think it would be well to have the unanimous-consent agreement so state.

Mr. SMOOT. I understood the Chair, in putting the request for unanimous consent, stated that it would be subject to the consideration of the alien property bill.

Mr. REED of Pennsylvania. Then, Mr. President, ought not the unanimous-consent agreement provide that the alien property bill shall be taken up at 2 o'clock on Monday?

Mr. WALSH of Montana. I understood from the Senator from Utah that he might not be prepared to take up the bill at that time.

Mr. SMOOT. I will say to the Senator I shall certainly be prepared at that time.

Mr. WALSH of Montana. Very well. I will modify my request for unanimous consent so as to provide that the resolution

shall be taken up for consideration after the disposition of the alien property bill.

Mr. REED of Pennsylvania. Which bill shall be taken up not later than 2 o'clock on Monday.

Mr. NORRIS. Mr. President, if I shall be successful in bringing up the Muscle Shoals bill, perhaps it will be out of the way by that time; but I should dislike to get part way through with it and then come in conflict with a unanimous-consent agreement which would cause it to be laid aside and provide that some other measure shall be taken up. That, I think, is not the way in which to expedite business—to get part way through with one bill and then take up another bill.

Mr. SMOOT. May I say to the Senator that I should like very much to take up the bill on Saturday.

Mr. NORRIS. I have no objection to taking it up, if it may be understood that it will come up at the conclusion of the consideration of the Muscle Shoals bill.

Mr. SMOOT. I do not know when that will be.

Mr. NORRIS. I can not say, either; I wish I could. It may be that it will only take a day; I do not think it will take very long.

Mr. SMOOT. I can not agree to that.

Mr. NORRIS. If there is any urgent reason, Mr. President, why the alien property bill should be considered immediately, I am willing that it should come up this afternoon or to-morrow.

Mr. SMOOT. In my opening statement I said that I also filed a report on the bill. It is a very difficult bill to read and understand. The committee have been very particular in framing the report to discuss every question involved.

Mr. TYSON. Mr. President, I am interested in this discussion because I have a bill in charge which I desire to have considered.

Mr. SMOOT. In the report the questions involved in the bill are explained in detail; the report is a long one, and I am afraid it would not expedite the passage of the bill to bring it up to-day. The report on the bill is now found upon the desks of Senators, and I have asked them to read the bill and the report. I know if they will do so it will hasten the passage of the bill.

Mr. NORRIS. I do not want to interfere with any proper disposition of the business of the Senate. We do not have to take up the Muscle Shoals bill to-day or to-morrow. If there is anything about the alien property bill that makes it particularly urgent to take action upon it at once, I am willing to let that bill come up and be disposed of before we take up the Muscle Shoals measure; but I should not like to start in on the Muscle Shoals bill and get halfway through and then be compelled to lay it aside to take up some other important measure that will probably occupy a day or several days of the Senate's time.

Mr. TYSON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. Yes.

Mr. TYSON. I wish to say, Mr. President, that there is a bill on the calendar, being Order of Business No. 116, Senate bill 777, which, in my opinion, is a very important measure. It has been reported to the Senate, and a similar measure has been before the Senate for several years. I should object to any bill being considered until I can secure some arrangement as to when the bill to which I have referred may be brought up and considered.

Mr. HEFLIN. Mr. President, I ask for the regular order.

The VICE PRESIDENT. The regular order is demanded.

Mr. WALSH of Montana. Mr. President, let us see if we can not agree that the resolution be taken up at the close of the morning business on Monday. That would give us the morning hour. We can consider the matter at least until the hour of 2 o'clock.

Mr. SMOOT. In other words, the Senator suggests that the resolution be considered immediately following the routine morning business.

Mr. WALSH of Montana. Immediately following the routine morning business on Monday.

Mr. SMOOT. I have no objection to that. Then, at 2 o'clock we can take up the alien property bill.

The VICE PRESIDENT. The Senator from Montana asks unanimous consent that the resolution be taken up at the conclusion of the routine morning business on Monday.

Mr. REED of Pennsylvania. That will cut out the consideration of the calendar on Monday. Why not provide that the resolution shall be considered after the routine morning business on Tuesday?

Mr. MOSES. We called the whole calendar two days ago, Mr. President.

Mr. REED of Pennsylvania. But there have been many bills placed on the calendar since that time.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

Mr. BLEASE. Mr. President, I have an amendment which I desire to propose to the resolution. I should like to offer it at this time and have it lie on the table and be considered pending.

The VICE PRESIDENT. The amendment will be received and lie on the table.

Mr. TYSON. Do I understand that the unanimous-consent agreement as proposed merely provides for the bringing up of the resolution of the Senator from Montana, without anything further?

The VICE PRESIDENT. That is correct.

Mr. TYSON. So that no other measure will be brought up under the agreement.

Mr. SMOOT. The agreement provides that the resolution shall be considered immediately after the routine morning business on Monday.

Mr. TYSON. That does not give the bill reported by the Senator from Utah or any other bill any preference afterwards.

Mr. SMOOT. The request as now submitted does not give any other bill a preference.

Mr. TYSON. I wanted to understand the proposed agreement in its present form.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the agreement is entered into.

The agreement was reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, by unanimous consent, That on the calendar day of Monday, February 13, 1928, at the conclusion of the morning business the Senate will proceed to the consideration of the resolution (S. Res. 83) authorizing an investigation of public-utility corporations.

PUBLIC BUILDINGS

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 278) to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

HENRY W. KEYES,
F. E. WARREN,

Managers on the part of the Senate.

RICHARD N. ELLIOTT,
FRITZ G. LANHAM,
J. WILL TAYLOR,

Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. KING. Mr. President, I desire to ask the Senator what the points of agreement were.

Mr. WARREN. There are, finally, no disagreements, and the bill is exactly as we passed it. After the first meeting the House and Senate conferees concluded that the amendments which had been offered were unnecessary, understanding from the Architect of the Treasury that such was the case, and they agree now to strike them out; so the bill is lying on the desk as it was printed and as it passed.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

INVESTIGATION OF CONDITIONS IN PENNSYLVANIA COAL FIELDS

Mr. NEELY. Mr. President, in the course of a debate that occurred in the Senate on the 1st day of February I voiced my opposition to a bill sponsored by the Senator from New York [Mr. COPELAND], which provides that in certain contingencies a Federal commission shall seize and operate the coal mines of the country.

A number of newspapers that are widely circulated in West Virginia have erroneously construed my assertion of opposition to the Copeland bill as a declaration of war against the Johnson resolution, which proposes a senatorial investigation of the conditions in the coal fields of Pennsylvania, Ohio, and West Virginia.

To the best of my information there is neither a West Virginia coal operator nor a West Virginia coal miner who is opposed to the Johnson resolution.

On the day the distinguished Senator from California [Mr. JOHNSON] so ably and eloquently discussed this measure in the Senate I voluntarily informed him that I intended to support it. The intention thus communicated I shall translate into appropriate action at the earliest opportunity by voting for the Johnson resolution.

This statement is made for the purpose of having my attitude toward this important measure accurately recorded.

LOAN OF COTS, BLANKETS, ETC.

Mr. CURTIS. Mr. President, the other morning the Senator from Arkansas asked unanimous consent for the consideration of a bill which had passed the House by unanimous vote. I asked that the measure be sent to the committee, because I think that is the best course to pursue. I have no objection to the bill; and, as it is important that it shall pass soon, I move that the Committee on Military Affairs be discharged from the further consideration of House bill 7013, and that it be returned to the calendar.

The VICE PRESIDENT. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

Mr. ROBINSON of Arkansas. Mr. President, on behalf of my colleague, the junior Senator from Arkansas [Mr. CARAWAY], and myself, I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. KING. Let it be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Chief Clerk read the bill (H. R. 7013) authorizing and directing the Secretary of War to lend to the Governor of Arkansas 5,000 canvas cots, 10,000 blankets, 10,000 bed sheets, 5,000 pillows, 5,000 pillowcases, and 5,000 mattresses or bed sacks to be used at the encampment of the United Confederate Veterans to be held at Little Rock, Ark., in May, 1928, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to lend, at his discretion, to the entertainment committee of the United Confederate Veterans, whose encampment is to be held at Little Rock, Ark., in the month of May, 1928, 5,000 canvas cots, 10,000 blankets, 10,000 bed sheets, 5,000 pillows, 5,000 pillowcases, and 5,000 mattresses or bed sacks: Provided, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and the chairman of said entertainment committee, Mr. E. R. Wiles: Provided further, That the Secretary of War before delivering said property shall take from said E. R. Wiles a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RADIO REGULATION

Mr. COPELAND. Mr. President, I present a letter, in the nature of a petition, relating to the radio matter. I should like to have it included at this point in my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

BROOKLYN, N. Y., February 7, 1928.

HON. ROYAL S. COPELAND,

United States Senate, Washington, D. C.

DEAR MR. COPELAND: In the belief that insurgent interests have had most to say in connection with the present hearings regarding the continuance of the Federal Radio Commission and its personnel—usually those opposed to anything are quick to anger, those favorable content to remain silently acquiescent—I think that in all fairness that the experiences of this station, WLTH, and the writer, its owner and president, should be made part of the record; and to that end it is my duty as well as my pleasure to give this public expression of my belief in the integrity, fair-mindedness, and efficiency of the commission, and also my conviction that it has made material progress in an admittedly difficult situation.

It was my desire to give these impressions in the form of verbal testimony and for such reason made a trip to Washington. I found, to my great regret, that the Interstate Commerce Committee's time was so limited that there was no opportunity for me to take the stand, especially as the president of the National Broadcasting Co., a most important witness, had been called at the meetings Monday as well as Saturday.

Therefore, I am taking the liberty of addressing these words to you and trust that you will forward them through the proper channels, that WLTH's attitude may be understood.

This station was formerly known as WFRL. It broadcast on 218 meters under those call letters. In the summer of 1927 it was able to effectuate plans for expansion, and these were laid before the commission in its regular order of business. The appeal of this broadcaster for a high wave length was recognized, after a legal hearing, and after the case had been analyzed the commission agreed that the application was warranted.

It is not because that our petition was granted that this communication is being sent for your information. What WLTH desires to emphasize is that on this occasion and all others the commission sought to get at all the facts in an open and thorough way, with justice to all affected, which was done with due promptness and courtesy. The commission has sought to cooperate. It has never aimed to bulldoze, to placate, or discriminate; and that is the view of the others within the radio field with whom WLTH has been in touch.

It is therefore pleasing to note that the proposal to extend the life of the commission has met with approval and that the members so far unconfirmed by the Senate have been given a favorable recommendation by the committee.

This action, we firmly conclude, is in the public interest, insuring a continued series of conferences between the board and the stations that will result in a solution of the obvious troubles that still remain.

Thanking you for your interest in the broadcasting situation and with assurance of high regard, I am,

Respectfully yours,

S. J. GELLARD,
President WLTH,
"The Voice of Brooklyn."

P. S.—This station will give its assistance to every worthy civic and charitable cause and fulfill all those functions necessary in the public interest which comprise the foundation stones of broadcasting. As you undoubtedly know, WLTH's microphone has been open to these organizations from the inception of the station, and in carrying out this policy we trust to keep on going far beyond the strict letter of the radio statutes.

REGULATION OF TRANSPORTATION RATES

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The Chief Clerk read Senate Concurrent Resolution No. 10, submitted by Mr. ROBINSON of Arkansas on the 8th instant, as follows:

Whereas the Congress has been memorialized by State legislatures and by citizens to the effect that the Interstate Commerce Commission has attempted so to regulate rates of transportation as to equalize prosperity among producers of commodities and to the end has employed rate regulation to place an embargo upon the products of certain States and in order to favor the products of other States as to certain markets;

Whereas these memorials and petitions indicate the assumption of a power not vested in the commission and a discretion which the Congress can neither exercise nor confer; and

Whereas it is advisable that the Senate should have full and complete information concerning the subject complained of: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Interstate Commerce Commission be requested, and is hereby instructed to transmit to the Congress on or before the 15th day of April, 1928, the following information, to wit: (a) Copies of all decisions handed down by it in the five years preceding the 1st day of April, 1928, in which its decisions as to the reasonableness of any rate or rates were in any sense influenced by the competitive advantage or disadvantage of the producers in one State, district, or section as compared with the advantage or disadvantage of the producers in another State, district, or section; (b) a full and complete citation of the section or sections of the interstate commerce act as amended, and other acts, under which the commission claims and believes it was granted the power to equalize prosperity among the producers of commodities; and a statement of the clause or clauses, articles, or amendments of the Constitution under which it claims and believes that decisions of such a character and purport were authorized or were implied.

Mr. CURTIS. Mr. President, this does not call for anything that is not already printed except what is covered by the statement in the last clause?

Mr. ROBINSON of Arkansas. My interpretation of the resolution is that it merely calls for the decisions which are alleged to have been made, using the rate regulation power for the control or influencing of industry.

Mr. CURTIS. I have no objection.

Mr. SHORTRIDGE. Mr. President, addressing myself to the Senator from Arkansas, certain of those requests go upon the assumption that the commission has rendered decisions of that character, do they not?

Mr. ROBINSON of Arkansas. I have no objection to modifying the resolution so as to read "copies of all decisions, if any."

Mr. SHORTRIDGE. I think that would cover the point I have in mind.

Mr. ROBINSON of Arkansas. I ask leave to modify the resolution, in line 5, after the word "decisions," to insert the words "if any," so that it will read "copies of all decisions, if any, handed down," and so forth.

The VICE PRESIDENT. Without objection, the modification will be made.

Mr. TRAMMELL. Mr. President, will the Senator from Arkansas permit a question?

Mr. ROBINSON of Arkansas. Certainly.

Mr. TRAMMELL. I am very much in sympathy with the purpose and object of the resolution. In my State we feel that in the fixing of the transportation charges, on citrus fruits, as an illustration, the commission has been influenced by such a policy as that concerning which we are asked to make an inquiry. Would this reach a situation of that kind; in other words, where rates were fixed for a haul of 3,000 miles practically the same as for a haul of 1,200 miles? Would it reach a situation of that kind?

Mr. ROBINSON of Arkansas. This resolution does not attempt to define any policy for the Interstate Commerce Commission. It does seek to get information from the commission itself as to whether such a policy has met with approval in the decisions of the commission.

Mr. TRAMMELL. I heartily agree with the purpose of the resolution.

Mr. BARKLEY. Mr. President, I desire to discuss this resolution. I am very much concerned about the securing of the information called for by the resolution, because in my judgment the Interstate Commerce Commission has rendered decisions not based upon the justice or reasonableness of freight rates, per se, but has rendered decisions in order that business might be diverted from one section of the country to another.

When the interstate commerce act was first passed, in 1887, the main object was to provide a commission under the commerce clause of the Constitution that would protect the people from exorbitant and unjust freight rates and would also give the people a tribunal before which they might appear for the purpose of preventing unfair discrimination as between individual shippers, and prevent the granting of preferences to one shipper who was the competitor of another.

Under the sections of the interstate commerce act prior to the taking over the railroads as a war measure the only function of the commission in deciding upon rates was to determine whether they were just and reasonable. They had a right also to pass on whether a given rate was unjustly discriminatory or preferential as between shippers.

When the war came the railroads were taken over by the Government as a war measure, and the railroad systems of the country were somewhat unified, and we all learned some lessons in the control and operation of railroads by reason of our experience during the war.

When Congress was charged with the duty of returning the railroads to their owners it became necessary to enact new legislation. The House of Representatives passed what was then known as the Esch bill. It came over to the Senate, and the Senate struck out all the language of the bill which passed the House and inserted the Cummins bill, and the two Houses, through their conferees, thereafter worked out a measure now known as the transportation act, which has been in force since 1920.

The Senator from Arkansas, Mr. ROBINSON; the Senator from Washington, Mr. Poindexter; the Senator from Minnesota, Mr. Kellogg; the Senator from Iowa, Mr. Cummins; and the Senator from Ohio, Mr. Pomerene, were the Senate conferees in working out the differences between the two Houses on the transportation act.

Congressmen Winslow, of Massachusetts; Hamilton, of Michigan; Esch, of Wisconsin, now a member of the Interstate Commerce Commission; Sims, of Tennessee; and myself comprised the House conferees on that legislation. The Senator from Arkansas and I are the only Members in either branch of Congress now who were on that conference committee. We worked for six weeks or more in undertaking to adjust the differences between the two Houses. I was unable to support the conference report, partly on account of some of the provisions of section 15a.

In the bill which passed the House of Representatives there was nowhere any power conferred upon the Interstate Commerce Commission to set itself up as a judge as between different sections of our country, to bring prosperity to one section and adversity to another through the means of the adjustment of freight rates. In the bill which passed the Senate, known as

the Cummins bill, there was no such provision and no such authority granted.

After working on the compromise measure for six weeks it was brought into both the Senate and the House within a week of the adjournment of Congress. The President of the United States had already provided that on the 31st day of March, whether Congress passed any legislation or not, the railroads were to be returned to private ownership, and as the Congress was to adjourn on the 4th day of March both Houses were confronted with the situation where they were required to vote upon the so-called Esch-Cummins law, or the transportation act, as it was presented to both Houses, or run the risk of having no new legislation at all on the subject of railroad rates or railroad operation.

In the report of the House Committee on Interstate and Foreign Commerce, of which I happened to be a member, there was nowhere any mention of any provision, nor the suggestion of any authority, that would give the Interstate Commerce Commission the right to set itself up as a judge as between the sections of our country in matters of commerce and prosperity.

In the report of the Senate Committee on Interstate Commerce, prepared by Senator Cummins on the bill which was passed by the Senate as a substitute for the bill which passed the House, there was nowhere any suggestion of any such power that ought to be granted to the Interstate Commerce Commission.

In the report of the conference committee, made late in February, within a week of the adjournment of Congress on the 4th of March, there was nowhere any discussion or suggestion of any such power to be conferred upon the Interstate Commerce Commission.

In the transportation act itself, section 15a, which has been a matter of universal discussion throughout the country since its enactment, there is this provision, subsection 2 of section 15a:

In the exercise of its power to prescribe just and reasonable rates—

And up until this time justness and reasonableness had been the standard of rate fixing by the commission since its creation—

In the exercise of its power to prescribe just and reasonable rates the commission shall initiate, modify, establish, or adjust such rates so that carriers as a whole (or as a whole in each of such rate groups or territories as the commission may from time to time designate) will, under honest, efficient, and economical management and reasonable expenditures for maintenance of way, structures, and equipment, earn an aggregate annual net railway operating income equal, as nearly as may be, to a fair return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation: *Provided*, That the commission shall have reasonable latitude to modify or adjust any particular rate which it may find to be unjust or unreasonable, and to prescribe different rates for different sections of the country.

Section 15a was intended to give congressional direction to the Interstate Commerce Commission that in determining the justness and reasonableness of any rate it was authorized to fix a standard of rates for the whole country high enough to guarantee to the railroads a fair return upon the value of the property used for the purposes of transportation.

This last proviso was a mere incidental power conferred upon the commission in order to aid it in carrying out the general provisions of that subsection, to wit, the power to make rates that would bring to the railroads a fair return on the value of their property.

That provision of section 15a was never intended by either the House or the Senate, or by either the House or the Senate committees, or by the conferees of the House or the Senate, to confer upon the Interstate Commerce Commission the broad power to change rates, or to initiate rates, or to deny rates, based upon the proposition that the granting or the denial of such rates would be an advantage in favor of one section of country and a disadvantage with respect to some other section of our country.

Mr. KING and Mr. SHORTRIDGE addressed the Chair.

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Kentucky yield; and if so, to whom?

Mr. BARKLEY. I yield to the Senator from Utah first, and then I will yield to the Senator from California.

Mr. KING. Does the Senator propose some amendment to the existing law which will curb the Interstate Commerce Commission or restrain them in the exercise of discretion which becomes a discrimination, as I understand the Senator, in favor of one section as against another, or which will justify them in their course in determining that they will fix the rates in order to advance the prosperity of one section which they believe to be under a cloud of depression?

Mr. BARKLEY. I have not offered any amendment to the existing transportation act. I am speaking upon the resolution offered by the Senator from Arkansas [Mr. ROBINSON] calling upon the Interstate Commerce Commission to furnish the Senate with information regarding decisions of this character. But I will say to the Senator that if this tendency of the commission upon which it has embarked is to be continued, I shall certainly offer an amendment to the interstate commerce act which will make it impossible for the commission to set itself up as a judge as between sections of our country, with power to decide that one section shall be prosperous and another shall undergo adversity by reason of freight-rate maneuvers.

Mr. KING. Of course, I might say to the Senator that there is a general feeling in the intermountain region that, whether purposely or otherwise, that section has been discriminated against under the construction of the long-and-short-haul provisions of the transportation act, as the result of which our freight rates have been unduly advanced and freight rates to the Pacific coast, to our disadvantage, if they have not been lowered, have been put at such a standard that it is in effect discrimination against the intermountain section of the country.

Mr. BARKLEY. I am familiar with the contention of the intermountain section of the country with reference to the matter, and I have considerable sympathy for some of your problems.

I yield now to the Senator from California.

Mr. SHORTRIDGE. To appreciate the full force of the remarks of the Senator from Kentucky, is it argued that the commission has in any of its decisions exercised the power claimed to be granted to it to fix rates with the purpose of equalizing the prosperity of different sections?

Mr. BARKLEY. Yes. I will say to the Senator from California that it is not only claimed, but it is insisted upon. In recent decisions of the Interstate Commerce Commission that very question has not only been discussed by the commission, but the preponderance of evidence introduced before the commission had to do with the economic situation in one section of the country as compared with the economic situation in another section of the country, and in its decision, rendered subsequently, the commission attempted to adjust that economic condition by a readjustment of freight rates.

Mr. SHORTRIDGE. That prompts me to request the Senator to be good enough to refer us to the particular case or ruling wherein that power was claimed and exercised.

Mr. BARKLEY. In the Lake Cargo cases decided in May, 1927, the claim was made that that was the compelling motive of the commission in providing for a reduction of freight rates from the State of Pennsylvania to ports on the Great Lakes, where coal is transferred from trains to boats and shipped across the Great Lakes to consuming districts in the Northwest. In that very decision Commissioner Hall, who has retired from the commission, dissented from the majority opinion because he contended that the commission had no such power as it assumed. He had written two years prior to that the opinion of the Interstate Commerce Commission denying this very action on the part of the commission. Two years later its views, by reason of the fact that two commissioners changed their attitude, were reversed, and this same Commissioner Hall, who had written the previous opinion, wrote a very strong dissenting opinion in the latter decision, in which he charged that there was no transportation reason for a reduction of freight rates applying to one section of the country, and charged that the commission had undertaken to do a thing that Congress had not empowered it to do, to wit, regulate or adjust economic and industrial conditions that were wholly different and due to different circumstances in two sections of the country affected by the decision.

Mr. SHORTRIDGE. Does the Senator from Kentucky claim, as matter of law, that the commission has no power under the law to take into consideration that matter? In other words, does the law in express terms, properly interpreted, give to the commission authority or power to consider the subject matter affecting the prosperity or industries of different sections?

Mr. BARKLEY. The law gives the commission power to consider freight rates upon the reasonableness and justness of the rate within itself or to determine whether a rate is unduly prejudicial or discriminatory as between different shippers and different sections; but that is a power which is incidental to the power granted in section 15a that charges the commission with the duty of fixing and adjusting rates over the whole country that will bring to the railroads a fair return. It is not a primary power, but an incidental power.

Mr. SHORTRIDGE. I am not asking these questions as indicating opposition to the Senator's views. If they are exercising this power to the disadvantage of a given section, and if the law authorizes them to do this, then we ought to consider the amending of the law.

Mr. BARKLEY. I said a moment ago that we should ascertain if the tendency to which I have referred is to be continued and adopted as a policy of the commission, which I think is wholly unauthorized, because the power given to the commission with reference to taking into consideration the economic or labor or industrial conditions in different sections of the country is for the purpose of preventing transportation discrimination or transportation prejudices for or against different sections of the country and was never intended to give the commission the power to fix the freight rates based upon whether one section of the country ought to be and another section ought not to be prosperous.

Mr. SHORTRIDGE. Then if the power is there, which may be abused, the law ought to be amended.

Mr. BARKLEY. I agree with the Senator. In the formation of the Constitution and in the adoption of the commerce clause of the Constitution it was felt incumbent upon the Constitutional Convention to provide against the possibility of one section of our country erecting barriers against another section in the matter of its commerce. Therefore it provided in effect that no State shall have the power to tax exports or imports coming from or going to another State, and that only Congress itself shall have the power to regulate commerce between the States and with foreign countries. I think that was a wise provision of the Constitution. Yet we have set up a commission, under the authority of the commerce clause of the Constitution, which is doing the very thing against which the Constitutional Convention provided, by declaring, through the manipulation of freight rates, that it has the power, for instance, to say that the coal operators in the State of Pennsylvania, through a reduction of 20 cents per ton on coal shipments to the lake ports, shall be allowed that advantage in an effort to overcome economic and industrial conditions over which the commission has no power and thereby deprive other coal-producing sections of the country of the opportunity to market their coal along the lake ports for the benefit not only of operators and industrial conditions in the southern territory but in order to give the industrial life of the Northwest—Michigan, Wisconsin, the Dakotas, Iowa, and other Northwestern States—the opportunity to go into the open market under equitable conditions and buy their coal wherever they desire to buy without having a commission here in Washington in effect saying to them that they shall be denied that equal opportunity because they propose to reduce the freight rates in one section of the country and inform railroads in other sections of the country that they will not be permitted to reduce their rates in the same way.

Mr. BLAINE and Mr. BRUCE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kentucky yield; and if so, to whom?

Mr. BARKLEY. I will yield first to the Senator from Wisconsin.

Mr. BLAINE. And through that same manipulation of rates place an economic loss upon the consumers of coal in the Northwest of about \$5,000,000.

Mr. BARKLEY. Absolutely. I think the Senator has fixed the amount very conservatively at \$5,000,000. There is no way to fix the actual loss sustained by the industrial life of the Northwest through this situation.

Mr. BLAINE. The Northwest is paying \$5,000,000 in added freight rates.

Mr. BARKLEY. Yes.

Mr. BLAINE. That is an economic loss to the users.

Mr. BARKLEY. And by the time we multiply this increase in actual freight rates to the consumer there is hardly any way to estimate how much the actual loss will be.

I yield now to the Senator from Maryland.

Mr. BRUCE. Let me ask the Senator from Kentucky whether he has not overlooked the effect of the Senate joint resolution commonly known as the Hoch-Smith resolution, which was approved January 30, 1925? That resolution provides:

That the Interstate Commerce Commission is authorized and directed to make a thorough investigation of the rate structure of common carriers subject to the interstate commerce act, in order to determine to what extent and in what manner existing rates and charges may be unjust, unreasonable, unjustly discriminatory, or unduly preferential, thereby imposing undue burdens or giving undue advantage as between the various localities and parts of the country, the various classes of traffic, and the various classes and kinds of commodities, and to make, in accordance with law, such changes, adjustments, and redistribution of rates and charges as may be found necessary to correct any defects so found to exist.

Mr. BARKLEY. What is the Senator's question?

Mr. BRUCE. Whether the Senator has not overlooked, in criticizing, as he has done, the recent decisions of the Interstate Commerce Commission, the effect of that joint resolution to which I have just referred? Now, so far as that act proposes to give the Interstate Commerce Commission a certain amount of leeway in giving the great agricultural interests of the country an advantage, it meets with my entire approval, because I think the condition of the farmer is such that there might be some degree of legislative favoritism properly shown to him.

Mr. SMITH. Mr. President, if the Senator will allow me, with the permission of the Senator from Kentucky—

Mr. BARKLEY. I yield.

Mr. SMITH. That, of course, meant that even in the realm of agricultural products there should be no discrimination, even on those products, as between one section and another. It simply provides that these basic industries, calling the attention of the commission to their necessity in our organized life, shall be placed at a rate that is as low as is consonant with the upkeep of the road. But it did not intend, and I am sure the Senator, who was a member of the committee at the time, will admit that it does not contemplate any such act, nor, in my opinion, does it give any permission to do the thing that it is here now charged the commission has done, namely, to fix rates by which a given commodity, such as coal, may enjoy a monopoly of a market as against another producing section.

Mr. BRUCE. Still the Senator is bound to admit that under the legal meaning of the import of that act it does provide that the Interstate Commerce Commission is to look into the entire rate structure, so far as it affects those products or gives undue advantage as between the various localities and parts of the country to various classes of traffic, and so forth, and then to make, in accordance with law, such changes, adjustments, and redistribution of rates and charges as may be found necessary to correct any defects so found to exist. I may say that that law was in some respects a very unwise law, and is more responsible than the Interstate Commerce Commission itself for the abuses or the alleged abuses of which the Senator from Kentucky is speaking.

Mr. BARKLEY. I will say to the Senator from Maryland that the Hoch-Smith resolution was passed largely in the hope that some readjustment might be made in freight rates touching agricultural products. I supported it as a Member of the House.

The language itself is somewhat general. It had no relationship in the mind of the author of the resolution in the House—who was on the same committee of which I happened to be a member in the other body—in a broad sense to anything except agricultural products. As a matter of fact, it directed the commission to investigate the rate structure, with a view of the possibility of its readjustment; but the commission has not made that investigation, and none of the decisions of which complaint is made here were based upon the provision of the Hoch-Smith resolution, because they have not made the investigation, and have reported that it will, in all probability, take years for them to make the investigation so that they can carry the intention of Congress into effect.

Mr. BRUCE. Mr. President, is not the Senator mistaken? In its original form the Hoch-Smith resolution, of course, may have contemplated a change in the existing law with reference to the agricultural interest only, but that is not true, I submit, as respects the resolution as finally passed. If the Senator will allow me, I will remind him there is an express, separate, and distinct clause in the Hoch-Smith resolution touching on agriculture, which provides:

In view of the existing depression in agriculture, the commission is hereby directed to effect with the least practicable delay such lawful changes in the rate structure of the country as will promote the freedom of movement by common carriers of the products of agriculture affected by that depression, including livestock, at the lowest possible lawful rates compatible with the maintenance of adequate transportation service.

That, of course, has its especial and exclusive application to agriculture, but the earlier portions of the resolution are general in character. They apply to rates of all sorts, and give the commission the power to readjust all rates.

Mr. BARKLEY. Even taking the broadest possible construction of the language in the resolution, nowhere is there even the suggestion that Congress intended to empower the commission to use the medium of freight rates to build up one section of the country and to tear down another section of the country, agriculturally or otherwise.

Mr. BRUCE. I think that would be, of course, a most lamentable and indefensible result, but, all the same, the tendency

of the latitude of discretion with which the commission is clothed by the resolution is to produce that very state of things.

Mr. SMITH. May I call the attention of both the Senator from Kentucky [Mr. BARKLEY] and the Senator from Maryland [Mr. BRUCE] to paragraph 2 of section 15a of the transportation act which, if liberally interpreted without reference to the context, would give the commission greater power than that which the Senator from Maryland has called attention to in the resolution of which I happen to be coauthor. The proviso in section 2 of paragraph 15a of the Esch-Cummins Act reads:

That the commission shall have reasonable latitude to modify or adjust any particular rate which it may find to be unjust or unreasonable, and to prescribe different rates for different sections of the country.

It does not say different rates on the identical commodity, but it leaves that wide open to the commission. It says, "different rates for the different sections of the country." Of course, the context shows that the very thing could happen which the Senator from Utah was complaining of, namely, that in a sparsely settled community where the cost of transportation is intrinsically more expensive than in a highly developed community, a higher rate might be prescribed.

Mr. BRUCE. In other words, what it contemplates is that the rates shall be the same under the same conditions.

Mr. SMITH. That they shall be the same under the same conditions.

Mr. BRUCE. That is true.

Mr. SMITH. Under the decision of the commission in the recent rate case they have, as I interpret it, discriminated against one community and in favor of another on the question of rate adjustment. The roads themselves, as I understand, had not particularly desired a change; in fact, if my information is correct, the old rate the Northeastern States had was remunerative, but under the rate structure then existing the mines in Virginia found it profitable to mine coal and to send it in competition to the lake ports. That decision, however, practically puts an embargo on those mines in Virginia.

Mr. BRUCE. The commission have reached the conclusion that the respective transportation conditions under which coal is shipped from Pennsylvania and Ohio to the Great Lakes and the transportation conditions under which coal is shipped from West Virginia, Virginia, Kentucky, and Tennessee to the Great Lakes are different.

Mr. SMITH. The decision, if my reading of it is correct, is largely based upon the fact that they had the right to determine really the prosperity or condition of the industry in one community as against another. I shall refresh my memory as to that, because I think some amendment to the transportation act is necessary.

The fact of the business is, I think every student of economics in this country who realizes the relation that exists between transportation, production, and distribution agrees that we ought not to amend but to rewrite the entire transportation act.

Mr. BRUCE. Mr. President, the Senator from South Carolina does not think, though, that a member of the Interstate Commerce Commission ought to be punished for reaching a conclusion conscientiously, even though this conclusion may be erroneous?

Mr. SMITH. Not at all; but I think members of the commission ought to show regard for the legislation which we enact, so as to make it easy for them to keep conscientiously to the right.

Mr. BRUCE. So do I.

Mr. SMITH. We ought as legislators to make it as easy as possible for them to do right and as hard as possible to do wrong.

Mr. BARKLEY. Mr. President, in that regard I wish to say that I think Congress is the body that should establish the policies that shall govern the regulation of commerce in the United States, and not the Interstate Commerce Commission.

Mr. SMITH. I agree with the Senator.

Mr. BARKLEY. Congress has the power to establish policies and incidental to its power Congress happened to confer upon the Interstate Commerce Commission a broad jurisdiction in order that the railroads might be assured a fair return on their property. It was never conceived that under this authority rates might be shifted so as to enhance the industries of one State or section and depress those of others.

Mr. BROOKHART. Mr. President—

Mr. BARKLEY. I yield to the Senator from Iowa, and then I should like to proceed.

Mr. BROOKHART. I wish to state a condition which justified the Hoch-Smith resolution. The Senator from Maryland

said it was wrong and should not have been adopted; but I wish to call attention to the fact that agriculture in the United States to-day furnishes 11 per cent of the freight tonnage of the United States, while it is paying 19 per cent of the freight rate, and if we consider the value of products the discrimination is even greater.

I am inclined to think the law does give the commission the power to consider the entire industry of agriculture in comparison with other industries; I think that was its purpose, but I want to ask the Senator from Kentucky if in the very act of the commission's deciding the reasonableness of a rate or the question of discrimination between rates is there not included as a part of it the question of the economic advantage or condition of the different communities?

Mr. BARKLEY. Of course, there is included in it the possibility of affecting economic conditions, but it was never the intention of Congress, in my opinion, to confer upon the Interstate Commerce Commission the power to change any rate solely on the ground of economic advantage or disadvantage as between sections of the country, and especially as between different sections in the production of a given commodity, such as coal or lumber or salt or any other commodity that might be a matter of competitive commerce.

Mr. BROOKHART. I concede that, but when they decide that a certain rate is unreasonable and discriminatory and must be reduced and that another rate will stand or be increased, that has a tendency of itself to tear down one community and build up another.

Mr. BARKLEY. That is inevitable.

Mr. BROOKHART. Yes; that is inevitable.

Mr. BRUCE. Mr. President, will the Senator from Kentucky yield to me? I should like to ask the Senator a question.

Mr. BARKLEY. I yield.

Mr. BRUCE. Is not the Senator aware that not only the interstate commerce law as it was originally enacted and subsequently amended by the Hoch-Smith resolution and the public service commission laws of this country generally empower regulatory bodies, such as the State public service commissions, to say whether a rate unjustly and unreasonably discriminates against one locality as compared with another?

Mr. BARKLEY. Yes.

Mr. BRUCE. There is nothing unusual, nothing uncommon, nothing extraordinary about that power.

Mr. BARKLEY. That is true; but even before the transportation act was passed the Interstate Commerce Commission had the power to determine whether any rate was unduly prejudicial or unduly discriminatory as between sections. If a rate was unduly lowered in order to discriminate against one shipper as against another or one community as against another, the Interstate Commerce Commission had the power to take that into consideration; but where they say in one decision rendered two years ago that a rate is reasonable and just and that it is not either prejudicial or discriminatory, and two years later decide again that it is not prejudicial or discriminatory but, based upon the same facts, it is unreasonable, and therefore they reduce it as to one section of the country and warn the railroads in another section of the country that they can not reduce their rates to compete with a section which they are trying to favor, I say that is a power never intended by Congress to be conferred upon the Interstate Commerce Commission.

Mr. BRUCE. The Senator will remember that the Supreme Court of the United States once said that the Federal income tax law was constitutional and then a few years later that it was unconstitutional.

Mr. BARKLEY. But we amended the Constitution to remedy the defect of unconstitutionality as it was decided by the latter decision.

Mr. BRUCE. The second decision was made, according to my recollection, before the amendment of the Federal Constitution was made. I think the Senator's memory is at fault. I think before there was any change in the Federal Constitution at all the Supreme Court of the United States reversed itself in respect to the income tax.

Mr. BARKLEY. I do not think so. My memory may be at fault, but I think the last decision made an amendment to the Constitution necessary; otherwise there would have been no need of amending the Constitution; Congress could have passed an income tax law without amending the Constitution.

Mr. President, inasmuch as the Lake Cargo case has been brought up—and I hesitate to enter upon a discussion of it, because I do not wish unjustly to criticize the commission—I think it might be somewhat enlightening to the Senate to refer to it briefly.

So far as this question is concerned, it has come down to a battle between sections. It is no longer, as it used to be, a question of a fight between a shipper and a railroad nor necessarily a fight between railroads. Years ago, when the coal mines of Kentucky were first opened up as well as the coal mines of West Virginia and of Tennessee—and they produce the better quality of coal by the way, a coal of higher volatility—the coal fields of Pennsylvania began a drive on the Interstate Commerce Commission to bring about what they called a differential in freight rates. So a differential of 7 cents per ton was allowed. They were not satisfied with that; they continued their drive until they got a differential of 9 cents, and then they continued until they got a differential of 17 cents, and they continued the drive until they got a differential of 25 cents a ton in the freight rate between the coal fields of Pennsylvania and the other coal fields of the country, especially those of Kentucky, Tennessee, and West Virginia.

In spite of this constant widening of the difference between the freight rates from Pennsylvania and those from Kentucky and West Virginia, the fields in Pennsylvania lost ground in the percentage of coal they shipped to the Great Lakes; and, in proportion as they lost ground by reason of the economic conditions and by reason of the quality of their coal, they intensified their drive on the Interstate Commerce Commission to widen the differential again. So in 1925 the question came up on the request for a reduction of the freight rate upon coal from Pennsylvania, and the Interstate Commerce Commission decided against that contention. They held that the existing relationship as to rates between the two sections was not unduly prejudicial nor discriminatory. They held that the rate from Pennsylvania was not per se unreasonable. Then began a drive such as will always occur wherever the commission sets itself up to decide between sections of the country.

The distinguished Senator from Pennsylvania on this floor denounced the commission, and elsewhere he even went so far as to say that it ought to be abolished, because in a decision in 1925 it had not complied with the wishes of the coal operators of his State.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BARKLEY. I will yield, briefly.

Mr. COPELAND. Did not the Senator from Pennsylvania also go about threatening slaughter and saying there would be trouble if the President did not appoint some man favorable to him?

Mr. BARKLEY. Yes. Not only did he denounce the commission and declare himself in favor of its abolition, but he went so far as to boast that unless the President should appoint somebody to represent Pennsylvania all sorts of dire consequences were to follow. The President appointed Mr. Cyrus W. Wood, from the State of Pennsylvania, who was committed to this policy of discrimination in which the Senator from Pennsylvania was interested and which the commission had denied in 1925. The Senate, by an overwhelming majority, rejected that appointment; and then a strange thing happened. Two members of the Interstate Commerce Commission who had joined in the decision in 1925 against the discrimination that Pennsylvania asked for changed their views and made a former minority into a majority; and in May of 1927 the same commission, with one exception, that had decided that these relative rates were not unjust and prejudicial or discriminatory, the same commission that had decided in 1925 that the rate from Pennsylvania to the lake ports was not unreasonable but was a reasonable and fair rate changed its opinion and consented that the same rate, based on the same facts and the same circumstances, was unjust and unreasonable, and reduced it 20 cents per ton, while at the same time holding that the rate as between these other fields and Pennsylvania was still undiscriminatory and not prejudicial. The very circumstances that brought about the change in the attitude of the commission, the drive from the Senator from Pennsylvania, the onslaughts of criticism hurled at the commission by him, make it extremely unwise that either Congress or the commission should set itself up or should create an agency that would place the power of deciding the welfare and fate of one community as against another altogether on the basis of economic or industrial conditions, because whenever that condition is brought about every Senator, every community, every section of our country will be demanding that there shall be somebody appointed upon the Interstate Commerce Commission to be a special pleader for the industries in that particular section of the country.

Already bills have been introduced dividing the country into regions and providing that members of the Interstate Commerce Commission shall be appointed from these various regions. I am not declaring myself either in favor of or against that amendment to our law; but I do say that when one section of the country finds the commission, under either an assumed

authority or the exercise of a secondary authority or an incidental authority, undertaking by the manipulation of freight rates to say that one section of the country shall prosper and blossom, and another shall be visited by a blight upon its industries, it is not strange that any section of the country or any State would desire to have on that great commission somebody to represent its industries.

I have always looked upon the great Interstate Commerce Commission somewhat as I look upon the Supreme Court of the United States. There have been complaints broadcast over the country against government by commission. It has been stated that there are too many commissions and bureaus set up in our departments and independent of departments. We know that all of them are always grasping for power never intended to be conferred by Congress; but I have always felt that the one commission that had justified itself from the very beginning of its existence was the Interstate Commerce Commission, and I could not foresee the time ever coming when it would either set itself up or Congress would set it up as a sectional board to decide between sections of the country, and say that one industry shall prosper and another shall not. If the time ever comes when that tendency shall be crystallized into a fixed policy, the great esteem in which the Interstate Commerce Commission has been held in years gone by will be lost, which I should regard as nothing less than a calamity.

Mr. SHORTRIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from California?

Mr. BARKLEY. I yield for a brief question.

Mr. SHORTRIDGE. I call the attention of the Senator to Article I, section 9, clause 6, of the Constitution, which reads:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

I think I agree with the Senator, who appears to be contending that Congress has no constitutional power to enact any law delegating any power to any commission to prefer one section of the country over another; and I think the Senator's argument, if I grasp his views, would be sustained by this section of the Constitution.

Mr. BARKLEY. I thank the Senator for his interruption. It is my contention that Congress has no power to enact any law that would discriminate in commerce as between different sections of the country, taking the word "port" there to be used in its general sense of meaning places of entry and of exit for the commerce of the United States.

Mr. SHORTRIDGE. Certainly.

Mr. BARKLEY. But, even if Congress had any such power, it has not conferred it upon the Interstate Commerce Commission.

Mr. SHORTRIDGE. If the Senator will note, the first part of that clause does not mention "ports" merely; inhibits any preference by any regulation of commerce as to ports.

Mr. BARKLEY. I understand.

Mr. BROOKHART. Mr. President, will the Senator yield for a question?

Mr. BARKLEY. Yes.

Mr. BROOKHART. Under the clause of the Constitution just quoted, would not the long and short haul rate that is established or permitted by the act of Congress, and sometimes approved by the commission, be unconstitutional?

Mr. BARKLEY. It might be. Of course, the only excuse ever offered for the long and short haul provision of the interstate commerce act was in order that the railroads might not drive out water competition. On most of the rivers now there is not any competition, anyhow, but that result was brought about by entirely different conditions.

Mr. BROOKHART. That is true, too.

Mr. BARKLEY. In regard to this case I am somewhat embarrassed in referring specifically to it; but in order to show that what I am talking about was in the minds of the commission when they reversed their decision of 1925, wherein they said these rates were not discriminatory and not prejudicial and not unreasonable, in their reversal in 1927 they undertake to justify their new decision not because the rates are prejudicial or discriminatory, because they specifically say they are not, but they undertake to justify their new decision by saying that the rate is unreasonably high from Pennsylvania to the Lakes.

Of course, after they decided that it was not unduly discriminatory or prejudicial, the only reason or excuse upon which they could reduce it from that field and deny a similar reduction to another field would be that it was unreasonable and unjust; and, of course, having made up their minds to render that sort of decision, they would base it upon the unreasonableness and injustice of the rate itself. But in a

letter written by one of the commissioners, who changed his views on the subject after the decision was rendered, he said that the object of the decision was to widen the differential between the fields of Pennsylvania and of West Virginia, Kentucky, Tennessee, and other southern coal fields.

That is not all. Not only in that case but in numbers of cases this tendency of the commission to try to adjust unequal economic and industrial conditions has been assumed by them. There have been requests made in 35 cases by railroads to reduce rates from one section to another, and in those 35 cases the Interstate Commerce Commission has denied the railroads the right to reduce the rates. I do not contend that all of these denials were based upon the assumed authority of the commission to pass on the economic conditions of various sections of the country, but some of them are, and a large portion of them are. There are 35 cases in which the commission denied a reduction of rates applied for by the railroads themselves, and there are only 9 cases where the commission has permitted the railroads to reduce their rates accordingly.

There are seven cases in which the commission itself has initiated a raise that was not desired by the railroads nor by the commercial interests that they served, but in order that the economic and industrial conditions of various sections of the country might, through the medium of freight rates, be equalized, and therefore the people in one section denied the right to take advantage of their natural location or the quality of their products in the markets of the Nation.

I say that the exercise of such a power was never contemplated by Congress. The exercise of such a power, if persisted in, will destroy the Interstate Commerce Commission, will destroy the high esteem in which it has been held by the railroads and by business and by the people at large, and we will have a clamor here for a commission to represent sections of the country rather than a commission that has the vision to look at all parts of the United States and try to harmonize its freight-rate structure not with a view to giving an undue advantage to one section over another but with an eye single to advancing the commercial welfare and the prosperity of the people of every section of the United States.

Therefore I am very much interested in the passage of this resolution, and I hope we will obtain information that will enable the Congress of the United States to decide whether there have been any extrajudicial or extralegislativ powers assumed by the Interstate Commerce Commission; and if so, whether some amendment may not be adopted to curb that exercise of power. And if in an hour of unwisdom, with a legislative stop watch held upon the Houses of Congress, compelled in the last week of a short session to pass legislation that in all probability the majority of neither House understood, we have unwittingly conferred upon the commission a power which they are exercising unwisely and to the disadvantage of great sections of the country, and therefore to the disadvantage of the whole country, we may look toward some amendment of that law that will correct this evil.

Mr. President, I hope this resolution will be adopted, and that the report for which it calls will be speedily returned.

The PRESIDING OFFICER. The question is on agreeing to the resolution offered by the Senator from Arkansas, as modified.

Mr. JONES. Let the resolution be read.

The PRESIDING OFFICER. The clerk will read the resolution.

The Chief Clerk read the resolution.

Mr. JONES. Has the resolution been referred to any committee?

The PRESIDING OFFICER. The resolution came over under the rule, and it was laid before the Senate for consideration to-day.

Mr. BINGHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Ferris	McMaster	Shortridge
Bingham	Fess	McNary	Simmons
Black	Frazier	Mayfield	Smith
Blaine	George	Metcalf	Smoot
Blease	Gillett	Moses	Stelwer
Borah	Gooding	Neely	Stephens
Bratton	Gould	Norbeck	Swanson
Brookhart	Harris	Norris	Thomas
Broussard	Harrison	Nye	Tammell
Bruce	Hawes	Oddie	Tydings
Capper	Hayden	Overman	Tyson
Caraway	Heflin	Pittman	Wagner
Copeland	Howell	Ransdell	Walsh, Mass.
Couzens	Johnson	Robinson, Ark.	Walsh, Mont.
Curtis	Jones	Robinson, Ind.	Warren
Deneen	Kendrick	Sackett	Waterman
Dill	King	Schall	Watson
Edge	La Follette	Sheppard	Wheeler
Edwards	McKellar	Shipstead	Willis

Mr. JONES. Mr. President, I desire to announce that the junior Senator from New Hampshire [Mr. KEYES] is necessarily absent on official business.

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, there is a quorum present.

Mr. BRUCE. Mr. President, I desire to say a word in regard to the resolution. I confess I can not see why we should call on the Interstate Commerce Commission for copies of its decision. Of course, all the decisions of the commission are printed in bound volumes. It seems to me the most we might ask the commission to do would be simply to give us the references to its decisions bearing upon this particular subject. That is the first objection I see to the resolution. Of course, it is more or less of a formal character.

I certainly do think the resolution involves a reflection, a real, opprobrious reflection, on the Interstate Commerce Commission in asking it under what sections of the interstate commerce law, and under what clauses of the Federal Constitution, it finds its authority "to equalize prosperity" in this country.

It seems to me that involved in such language as that there is an innuendo to which the Senate should not give its approval. Surely the Interstate Commerce Commission is not of such low estate that the Senate can intimate in a resolution that it has so far forgotten its obligations under the Constitution and laws of the land as to render decisions for the purpose of equalizing prosperity; that is to say, decisions completely usurping the authority of Congress and of the President of the United States. If the language of the resolution were changed in that respect, I should be willing to vote for it, because, after all, it is a mere request for information, information, doubtless, that is to be used for the purpose of making an assault on the confirmation of Mr. Esch when that comes along in due course of parliamentary procedure, but still information. But I do think that enough respect is entertained by the people of the United States for the Interstate Commerce Commission, a commission that is held, I venture to say, in higher esteem than almost any other agency of the Government except the Supreme Court of the United States, to induce us to forbear, in a resolution asking for information, to attempt to fix nothing less than a stigma to the character and standing of the commission.

Mr. ROBINSON of Arkansas. Mr. President, the statement just made by the Senator from Maryland is to me an astounding proposition. During the course of the debate this morning he himself took the floor to show that under the law the commission has the power to regulate rates with regard to the prosperity of sections or communities. Then he assumes to criticize the resolution on the ground that it asks the commission to send to the Senate the decisions which pertain to that subject.

Mr. President, this is one of the big questions relating to transportation. It is not altogether a one-sided question, as I think this debate has disclosed, but there is not a word in the resolution which any mind except that of the Senator from Maryland can interpret into an unfair criticism of the Interstate Commerce Commission.

I ask for a vote on the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution as modified.

Mr. BRUCE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. SWANSON (when his name was called). I am paired with the senior Senator from Maine [Mr. HALE]. I do not know how he would vote if present, and therefore withhold my vote. If I were permitted to vote, I would vote "yea."

Mr. TYSON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. GORF]. Not knowing how he would vote on this question, I withhold my vote. If permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. SWANSON. I am informed that my pair, the senior Senator from Maine [Mr. HALE], if present, would vote "yea." Consequently I am at liberty to vote. I vote "yea."

Mr. BRATTON. I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. I am informed that if he were present he would vote as I intend to vote. I therefore am at liberty to vote, and vote "yea."

Mr. TYSON. I am informed that my pair, the Senator from West Virginia [Mr. GORF], if present would vote "yea." I therefore vote "yea."

Mr. JONES. I desire to announce that the Senator from New Hampshire [Mr. KEYES] and the Senator from Pennsylvania [Mr. REED] are necessarily absent on official business. If present, they both would vote "yea."

I also desire to announce that the Senator from Delaware [Mr. DU PONT] has a general pair with the Senator from Florida [Mr. FLETCHER].

Mr. ROBINSON of Arkansas. I was requested to announce that the Senator from Arizona [Mr. ASHURST] and the Senator from Virginia [Mr. GLASS] are detained from the Senate on account of illness.

I was also requested to announce that the Senator from Delaware [Mr. BAYARD], the Senator from Missouri [Mr. REED], the Senator from Montana [Mr. WHEELER], the Senator from Iowa [Mr. STECK], and the Senator from Louisiana [Mr. RANSDELL] are detained on official business.

The Chief Clerk recapitulated the vote, showing one vote in the negative.

Mr. BRUCE. Mr. President, I am still unwilling to make it unanimous.

The result was announced—yeas 68, nays 1, as follows:

YEAS—68

Barkley	Edwards	McMaster	Shipstead
Bingham	Ferris	McNary	Shortridge
Black	Fess	Mayfield	Simmons
Blaine	Frazier	Metcalf	Smith
Blaine	George	Moses	Stephens
Borah	Gooding	Neely	Swanson
Bratton	Harris	Norbeck	Thomas
Brookhart	Harrison	Norris	Trammell
Broussard	Hawes	Nye	Tydings
Capper	Hayden	Oddie	Tyson
Caraway	Hefflin	Overman	Wagner
Copeland	Howell	Pittman	Walsh, Mass.
Couzens	Jones	Robinson, Ark.	Walsh, Mont.
Curtis	Kendrick	Robinson, Ind.	Warren
Deneen	King	Sackett	Waterman
Dill	La Follette	Schall	Watson
Edge	McKellar	Sheppard	Willis

NAYS—1

Bruce

NOT VOTING—25

Ashurst	Gillett	Keyes	Smoot
Bayard	Glass	McLean	Steck
Cutting	Goff	Phipps	Steiner
Dale	Gould	Pine	Wheeler
du Pont	Greene	Ransdell	
Fletcher	Hale	Reed, Mo.	
Gerry	Johnson	Reed, Pa.	

So the resolution as modified was agreed to.

The preamble was agreed to.

WASHINGTON BIRTHDAY CELEBRATION IN ALEXANDRIA, VA.

Mr. SWANSON. Mr. President, there will be a celebration in Alexandria on the 22d of February in commemoration of George Washington's birthday. A very large parade will be held. The President of the United States will be there, the Governor of Virginia will be present, and I have been requested to extend an invitation to the Senate to be present upon that interesting occasion. I send to the desk the invitation, which I ask may be printed in the RECORD.

The VICE PRESIDENT. Without objection, the invitation will be printed in the RECORD.

The invitation is as follows:

THE GEORGE WASHINGTON BIRTHDAY ASSOCIATION,
Alexandria, Va., January 16, 1928.

To Senate of the United States.

GENTLEMEN: It has been the custom of Alexandria, Va., for many years, from time to time, to celebrate the birthday of Gen. George Washington on February 22 with a parade of a civic, military, and fraternal nature. On this occasion we have present many distinguished guests, and it has been our further custom to extend an invitation to your honorable body to be present as our guests on this occasion.

We therefore extend a most cordial and earnest invitation to you to be present in Alexandria, the home city of George Washington, on February 22, 1928, and witness, as the guests of our association, the parade in honor of Gen. George Washington's birthday.

Most courteously and respectfully yours,

THE GEORGE WASHINGTON BIRTHDAY ASSOCIATION,
J. WM. MAY, President.
M. E. GREENE, Secretary.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. HATTIGAN, one of its clerks, returned, in compliance with the Senate's request, the message of the Senate announcing its agreement to the amendment of the House to the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes.

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 5583. An act granting the consent of Congress to the Kansas City, Mexico & Orient Railway Co. of Texas and the Kansas City, Mexico & Orient Railway Co. to construct, maintain, and operate a railroad bridge across the Rio Grande River at or near Presidio, Tex.;

H. R. 6099. An act granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain between Crown Point, N. Y., and Chimney Point, Vt.; and

H. R. 10636. An act to make an additional appropriation for the water boundary, United States and Mexico.

PRESIDENTIAL TERMS

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, Senate Resolution 128.

The Senate resumed the consideration of the resolution (S. Res. 128) submitted by Mr. LA FOLLETTE, as follows:

Resolved, That it is the sense of the Senate that the precedent established by Washington and other Presidents of the United States in retiring from the presidential office after their second term has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions; and be it further

Resolved, That the Senate commends observance of this precedent by the President.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Connecticut [Mr. BINGHAM] to refer the resolution to the Committee on the Judiciary.

Mr. WALSH of Massachusetts. Mr. President, no Member of this body has a higher regard than I for the tradition which limits the Presidency to two terms.

Every Member of this body is in accord with this fundamental principle. No resolution or vote is necessary to record our sentiments or the sentiments of the American people on this subject. In fact, there has never been in any responsible quarter any question about it.

The sponsors of the resolution upon which we are called upon to vote have very frankly conceded that their purpose in offering it is because they profess to see a danger that the present incumbent may be induced to violate this tradition. But whether they had that purpose or not, it will be construed by many Americans as being so motivated. It is aimed at a danger which can only exist upon the assumption that the President of the United States would be guilty of an act of bad faith.

I do not subscribe to the proposition which has been advanced by some of those who have spoken in opposition to this resolution, namely, that had Mr. Coolidge chosen to become a candidate it would not have been a violation of the tradition. I am frank to say that, in my judgment, the candidacy of any President after he has twice taken the oath of office is contrary to the spirit of this tradition.

I do, however, assert that the President's declination of a candidacy was so clear and unequivocal that to impute to him now the suggestion that he would repudiate his statements and accept a nomination under any political emergency or pressure is an unwarranted reflection upon the high character which I concede President Coolidge possesses. He is not the man who means one thing and says another.

Though I differ with some of President Coolidge's political philosophy, I recognize that he possesses great strength with the American people, and this has been largely due to the confidence the people have had in his integrity, in his straightforwardness, and sincerity of purpose. I believe the public can rely upon his declaration in this matter as being actuated by the same frankness and same sincerity which has always characterized his public service.

It had been suggested here that no one knows the motives which prompted his declaration. While it is true that no one knows, each of us is at liberty to form his own judgment—and in my judgment, respect for a tradition of our Republic was the controlling motive in Mr. Coolidge's decision. I can not bring myself to lend support to a resolution which by indirection reflects upon the good faith of the President of the United States in view of his solemn statement to the American people.

For the reason only that I do not choose to instruct the President or appear to be doubtful or distrustful of the President's attitude toward more than two terms in the Presidency, I shall vote against the resolution.

I hope the Senator from Wisconsin will agree, and I shall later move, with his assent, I hope, that the second paragraph of the resolution be stricken therefrom in order that there may be no suggestion and no hint from the action of the Senate that we have in any way attempted to reflect upon or question the good faith of our President. I think we ought to accept in good

faith, as sincere and as honest, the positive statement of the President of the United States that he will not again be a candidate for the office.

Mr. LA FOLLETTE. Mr. President, will the Senator from Massachusetts yield to me?

The PRESIDING OFFICER (Mr. ROBINSON of Arkansas in the chair). Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. WALSH of Massachusetts. I yield.

Mr. LA FOLLETTE. The Senator from Massachusetts contends that the resolution by indirection reflects upon the good faith of the President of the United States when he made his statement first in the Black Hills on August 2 and which he amplified at the meeting of the Republican National Committee on December 6 last. It seems to me that the very clause in the resolution which the Senator from Massachusetts suggests he is going to move to strike out would place the Senate upon record as interpreting President Coolidge as having been sincere in his statements and commends him for the action which he has taken in sustaining the antithird-term tradition.

Mr. WALSH of Massachusetts. I suppose the Senator from Wisconsin will not deny the fact that the resolution has been presented because of fear that in a political emergency a call may be made by the Republican Party upon the President to set aside the statement that he has made that he will not be a candidate and seek to have him become a candidate?

Mr. CARAWAY. May I ask the Senator a question?

Mr. WALSH of Massachusetts. I think the Senator from Wisconsin [Mr. LA FOLLETTE] desires to ask me a further question.

Mr. LA FOLLETTE. I stated on the floor very frankly when this resolution first came up for consideration that I had introduced a resolution on the subject of a third presidential term on the 22d day of February, 1927, that I intended to introduce a similar resolution at this session of Congress, and that I had not done so because it had been generally interpreted by the people of this country—and to that assumption I agreed—that the President of the United States was sincere and meant what he said when he stated that he did not choose to run, and when he subsequently further amplified his statement to the Republican National Committee.

Mr. President, the Senator from Massachusetts and all others who are conversant with political developments in this country know, as I stated at the time I introduced the resolution some days ago, that there were certain powerful interests in the Republican Party that did not accept the statement of the President of the United States as being sincere and were endeavoring to create a situation where he would be drafted as the nominee of the Republican convention.

Mr. WALSH of Massachusetts. I understand the Senator's position; he has been extremely frank and fair and ably presented his resolution; but I still insist that the resolution suggests the possibility of the President of the United States wavering and setting aside this time-honored tradition if political pressure dictated such a course.

Mr. SHORTRIDGE and Mr. HARRISON addressed the Chair.

The PRESIDING OFFICER. The Senator from California [Mr. SHORTRIDGE] first addressed the Chair, and he is recognized.

Mr. SHORTRIDGE. I merely wish to address a question to the Senator from Massachusetts [Mr. WALSH]. Anyone who will take the time to look at the wording of the resolution will see that the second resolving clause of the resolution is not in praise of the President. It "commends observance of this precedent by the President." Interpreted grammatically, it merely advises him to observe it. It is not in praise of him, however, at all.

Mr. WALSH of Massachusetts. It suggests a fear that in an emergency the President may change his mind and the Senate begs him not to do so.

Mr. SHORTRIDGE. Certainly.

Mr. LA FOLLETTE. Mr. President, I hesitate to enter into an argument with the Senator from California [Mr. SHORTRIDGE] over an analysis of the sentence, but, if I understand the English language, it seems to me that the statement is just as direct and straightforward as it could be made. The language reads:

And be it further

Resolved, That the Senate commends observance of this precedent by the President.

Mr. BORAH. Mr. President, if the Senator from Wisconsin will insert the word "the" between the word "commends" and the word "observance" there can be no question even as to grammatical construction.

Mr. LA FOLLETTE. I would be perfectly willing to modify the resolution to that extent, because my intention in drawing the resolution certainly was to make that declaration without

equivocation or evasion; and, upon the suggestion of the Senator from Idaho, I will modify the resolution by inserting the word "the" after the word "commends" in line 9.

Mr. BINGHAM. However, Mr. President, if the Senator from Wisconsin will look back at the preceding clause of the resolution, he will find that it reads:

The precedent established by Washington and other Presidents of the United States in retiring from the presidential office.

So the Senator will see that it is impossible to commend the President for having done something which he has not done, for he has not retired. It is clear that the use of the word "by" in the last line of the resolution should be superseded by the word "to." The obvious intent of the resolution introduced by the Senator from Wisconsin is "that the Senate commends observance of this precedent to the President." [Laughter.]

Mr. LA FOLLETTE. No, Mr. President. That may be language which would suit the Senator from Connecticut, as he is alleged to be a very close friend of the President of the United States, but I could not accept that as a statement of my intent in drawing the resolution, which, I assure the Senator from Connecticut and all other Senators, was entirely sincere.

Mr. SHORTRIDGE. May I ask the Senator from Wisconsin what was his intent? Was it to praise the President or to advise him or inferentially to criticize him or others who might think he would make the most excellent President during the next four years—

Mr. CARAWAY. Nobody thinks that.

Mr. SHORTRIDGE. Even though he has served for a time approaching eight years. What was the—I will not say the latent—but what was the controlling purpose or intent of the Senator from Wisconsin in using language in the resolution which, perhaps, might be subject to some doubt?

Mr. LA FOLLETTE. Mr. President, the Senator from California has raised a question with regard to what the language of the resolution intends, and I have endeavored to state frankly exactly what I intended to convey by it. I will say further to the Senator that I have on at least two occasions stated exactly the reason for my reintroduction of this resolution; and I assure the Senator that I have no latent or hidden motives. I refer the Senator to the statement which I made at the time this resolution first came up for discussion, and I also call his attention to the statement which I made a few moments ago in reply to the Senator from Massachusetts [Mr. WALSH].

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. LA FOLLETTE. Certainly.

Mr. CARAWAY. If the motives of the Senator from Wisconsin may be impugned, then all the Members of Congress from New England, when they voted for a similar resolution, were also actuated by unholy motives, were they not?

Mr. LA FOLLETTE. Mr. President, the Senator is correct, except that there were two members of the delegation from New England in the House in 1875 who did not vote for the resolution.

Mr. CARAWAY. There were two who voted against it?

Mr. LA FOLLETTE. Yes; there were two who voted against it.

Mr. CARAWAY. That had not been my remembrance. However, every member from Massachusetts voted for it.

Mr. LA FOLLETTE. All but one.

Mr. CARAWAY. Which one voted against it?

Mr. LA FOLLETTE. I do not recall the name just now.

Mr. CARAWAY. Well, he has been forgotten. [Laughter.]

Mr. SHORTRIDGE. Mr. President, I am not impugning motives, but hereafter, if the Senate will tolerate it, I will undertake to express my view as to just what this extraordinary, this simple declarative sentence, having Lindley Murray in mind, means, if it means anything.

Mr. FESS. Mr. President, when the resolution was first called up I had intended to address the Senate upon it at some length, because it involves a problem of wide interest, especially when historically considered, but I am not inclined to do that at this time, because of physical conditions which do not comport with easy speech.

The resolution involves the question of presidential eligibility to reelection. That I regard as its most important feature. In the Constitutional Convention that question was very widely discussed and on it there was a wide difference of opinion. In the Constitutional Convention the principle of a short term and quick responsibility was contended to be a fundamental principle of American democracy. As to whether such quick response would be conserved better by limiting tenure as well as limiting the term, or whether it would be conserved

better by limiting the term and extending the tenure was a question of doubt.

As everyone conversant with the proceedings of the Constitutional Convention knows, there were different views and different decisions reached at different times; in other words, the convention reversed itself on this particular subject.

When the question arose in reference to the Chief Executive, the convention originally proposed a term of seven years, with ineligibility for reelection. When a vote was called upon that proposal Washington was included in the list of those who voted against it. Although he did not make any comment at the time, later on, as is well understood, Washington had a conversation with Jefferson on the matter, and they did not agree. Also Washington wrote a reply to General Lafayette, who specifically addressed a letter to Washington on the subject of ineligibility to reelection. In the reply of General Washington he took a decided position against the Jeffersonian view. So it was decided not to limit tenure. The Constitutional Convention did fix a short term, but kept open the question of tenure, so that if experience might count for anything it could be utilized in the administration of the Government.

I think that the most concrete illustration of the difference between a limited term and a limited tenure will be found in the case of Members of both legislative bodies. The term of Members of the House and Members of the Senate is fixed, but their tenure is not limited. Neither is there a prohibition of eligibility to reelection in either case, nor is there in the case of the Chief Executive. In other words, the Constitutional Convention decided in both cases that a limitation on tenure was not wise, and that the question of eligibility to reelection should be kept open as a privilege on the part of the people.

In the case of the executive branch of the Government we have in practice both the limit of term and the limit of tenure. Custom thus far has limited the tenure of the Executive to two terms. That may have the force of law, but there is no constitutional inhibition against extending the term of the Executive beyond the second term. There is no inhibition whatever, as every student of constitutional law must recognize. Neither is there any inhibition in regard to the Members of this body or the Members of the House of Representatives.

I made some notes on another occasion of the practice in the House of Representatives as well as in the Senate.

If we take the Sixty-ninth Congress for purposes of study, the House of Representatives contained a Member who was serving, in the Sixty-ninth Congress, his seventeenth term. His term was two years. His tenure had been 34 years. In that Congress there was 1 Member serving his sixteenth term, 1 serving his fifteenth term, 1 serving his fourteenth term, 2 Members serving their twelfth term, 9 serving their eleventh term, 10 serving their tenth term, 7 serving their ninth term, 15 serving their eighth term, 35 serving their seventh term, 46 serving their sixth term, 42 serving their fifth term, 64 serving their fourth term, and so on. In other words, the rule in the House is limited term, but unlimited tenure, upon the basis that experience is of value in legislation.

The same thing is true in this body. It may be of interest to know that the representative in the Constitutional Convention who was nearest Thomas Jefferson was George Mason, of Virginia, the father of the famous Bill of Rights of Virginia, the first of its kind in the history of the world. George Mason raised the question of limiting the tenure of Members of the Senate and argued that Senators should not be elected for more than one term and, it seemed to me, employed in his argument a force that is second only in effect to that which he applied to the Executive—not much less. When the vote was taken, and the tenure of Members of the Senate was not limited to one term, George Mason gave it as his mature judgment that a great mistake had been made by the Constitutional Convention.

While I would not be facetious in this discussion at this time and should not be inclined and should not permit myself to offer any resolution for mere effect, it would be a proper thing for a resolution to be offered here in the form of an amendment to the present resolution to authorize a commission to study, at least, the feasibility of not only limiting the tenure of the President but limiting the tenure of Senators, and whether there is a basis for the argument that was adduced in the Constitutional Convention that no Senator should serve longer than one term. It would be interesting to me, as it would be interesting to everyone, to have an investigation of that sort and to get the facts upon which argument of that kind could be adduced. As we believe that unlimited tenure in this body employs experience and capitalizes ability, so it seems to me it is equally true in the case of the President.

Mr. President, I have never been averse to the spirit of a resolution that would announce an opinion upon whether service beyond a second term is a wise course or not. I have in the past argued that it would be better, probably, for the country and everyone concerned if in practice the presidential term were longer than at present and the President were ineligible to reelection. I would not adduce that on the basis that has been adduced here by individual Senators, on the ground that a President would prostitute his first term in order to secure a second term, or that he would prostitute his second term in order to secure a third term. I should not put it upon that basis at all; but I am aware that the President of the United States is under a burden that it is quite difficult for him to sustain from the pressure that comes to him from outside sources that is made possible by his reelection. In other words, Presidents break under the burdens of the office very largely through attempting to respond to requests that can not be met.

I do not believe I speak amiss when I say I can not avoid the thought that the life of the late President Harding—who seemed to permit his personality to go out to everyone who appeared in his presence—was very much shortened by the burdens of the office.

The very last conference I had with him was on Thursday before he left for Alaska on Tuesday, when he spoke in rather pathetic terms of the burdens of the office of the Presidency. Anyone who knew him and knew how he regarded the pressure that was brought upon him in connection with the requests of friends for this and that would recognize that he would wear under it, and probably break under it.

Not every President would be so affected. I have thought that it might be wise for us to pass a constitutional amendment to extend the term of the President and limit it to one term; but it has never been looked upon with favor. The proposal has been offered over and over again in the form of an amendment, and it has never been seriously considered by either body, House or Senate; and, after all, I suppose it would be still better for us to continue the practice of limiting term but not limiting tenure except by the vote of the people, as is done in the House, and as is done in the Senate. At any rate, whether it is wise or otherwise, that has been the practice from the beginning.

It is not a mooted question that the third term that was denied originally to the Presidents who might have been elected to a third term was not denied them by the people. It was simply never requested by those who might have achieved a third term. There has been much confusion about Washington's attitude. Over and over again we hear it stated in this and other bodies that Washington set the example of turning away the honor of a third election as if it were a matter of principle with him, instead of a matter of purely personal convenience.

I admit that the precedent was set by Washington. I admit that he was not elected to a third term; but I will not admit that he believed that a third term was vicious, or that he ever thought it was unpatriotic, or that he thought it would not be a wise course. The truth about the matter is that when he asked Madison to draw up in convenient shape what would suit him for a farewell address it was at the end of his first term. Washington had intended not to remain even to the end of his first term, as is known by every historian. When he was elected, having presided over the Constitutional Convention, having been regarded as the only one to be presented, as nobody was presented against him, he made it known that he would accept the office as a public service, but he did not want to be bound to a complete term of four years. He would inaugurate the Government, and, at convenience, retire.

There was not any doubt of his intention to retire at the end of the first term, even though he might have changed his views about retiring before the term was over. He stated to Madison that he wanted an address prepared suitable to his retirement. Madison put it into form. In that address I find these words, which are constantly quoted by the proponents of this resolution as being the words of Washington:

May I be allowed further to add as a consideration far more important than an early example for rotation in an office of so high and delicate a nature may equally accord with the republican spirit of our Constitution and the ideas of liberty and safety entertained by the people.

"Rotation in office!" That is stated as being in accord with our views of democratic government.

Mr. President, that statement was written by Madison. That statement was not in the President's Farewell Address when he finally delivered it to the American people. This particular

Item of Madison's draft was never accepted by President Washington.

Mr. LA FOLLETTE. Mr. President—

Mr. FESS. I yield.

Mr. LA FOLLETTE. The Senator said that that statement had been quoted by the proponents of this resolution. Will the Senator state what Senator it was that quoted it?

Mr. FESS. I do not recall anyone in the Chamber who quoted it; but in the discussions against the third term throughout the country by historians Madison's draft is constantly reviewed.

Mr. LA FOLLETTE. I just wanted to make it clear that no proponent of the resolution in this Chamber had made that quotation. As a matter of fact, I stated in the brief remarks I made that a frank discussion of this question must admit that Washington had never gone on record as being opposed to a third term.

Mr. FESS. Yes, Mr. President; and I want to commend the author of the pending resolution for his frank discussion, and especially his frank statement in reference to Washington, because it is quite different from the usual statements on this subject. I commend the Senator for his frank statement.

I think probably I should have amended my language by saying, instead of the proponents of this resolution, the proponents of the theory against the third term; then I would have been wholly within the range of accuracy.

On the other hand, Washington, because of developments in Europe and our complications on foreign affairs, decided that he would again accept the nomination and election. Then at the approach of the end of the second term, which was some time about 1795 or 1796, Washington called to his aid Hamilton, and asked him to throw into form a draft that would be suitable as a farewell address. That farewell address was to express the views of the President, and if he had any idea whatever of objecting to a third term on the ground that it would be unpatriotic or that it would not be a wise course, rather than upon the ground of his personal tastes and personal conveniences, it would have been in that address that the statement would have been made, and the farewell address of the President of 1796 can be scanned from the first word to the last and there will be found no hint of his objection to a third term in principle. I want that to be specifically understood as saying that Washington's declination to be elected a third time was not on the ground of the principle, but only because it was a personal convenience to him to retire.

As to Jefferson and Madison and Monroe, they represented an entirely different school of politics. There were two well-defined schools of politics in the Constitutional Convention, and while Jefferson was not in that convention he did have his representatives there, especially in Madison and in George Mason, of Virginia. They well represented the views of Jefferson, though Madison was much more Federal in his theory than was Jefferson. He would not go along as far as Jefferson would go.

Jefferson was dominated by the fear of autocratic government, and that was normal with him. In the first place, the theory of Jefferson, however we may account for it, was that there should be no interference with the liberty of the individual in government. He believed that that government was best which governed least. He believed that the citizen was better subserved in his opportunity and ability when unhindered as much as possible by government decree, and he extended that view to the States, so that Jefferson very frequently is regarded as the advocate of State rights, if not State sovereignty. I do not believe that Jefferson can be described as being the exponent of State sovereignty in the degree that John C. Calhoun was later on. Nevertheless, Jefferson wrote the Kentucky resolutions, and the Kentucky resolutions, outside of the Virginia resolutions, which were written by Madison, are the best exponent of the principle of State rights that we have in American literature. They were written by Thomas Jefferson.

Jefferson emphasized the idea of liberty. Jefferson feared autocracy. Jefferson was afraid of too much power, too much government. However we may explain the source of his fear, that was fundamental with him, and I regard it as tremendously important not only in any study of our political theory but in the development of our American political theory.

While Jefferson, therefore, was not in the Constitutional Convention to work out his ideas, he was in contact and communication with the men who were there who represented his views, and one of his views, specifically uttered, was that terms should be elective, and not appointive, that terms should be short and not long, that tenure should be short and not long. In other words, he was in favor of not only shortening the term but of preventing the term being extended beyond a certain limit, for

fear of too much control by officialdom. He was quite normally committed to the idea of one term and no reelection. He communicated with Washington in the matter. He expressed his disapproval of the plan of the Constitutional Convention as it finally completed its work on that subject.

It is true that Jefferson did not recommend in his message, and did not mention in his inaugural address, that he had stood against eligibility to reelection, but all along the years to 1826, when he died on the 4th of July, Jefferson was in close communication with correspondents on matters of government, especially with reference to the democratic theory, of which he was an exponent, and it was generally known that he had never given up his idea that there should be a limit of the term of the Executive to one year.

Finally, just before he died, this distinguished exponent of the theory of government, one of our country's greatest draftsmen of political documents, especially in reference to the democratic theory, wrote as a sort of last will and testament that famous autobiographical note of 1826, in which he again said that he believed that the Executive should be denied reeligibility. It is not likely that he would have wanted to limit the Executive to one term if the term were a short term. I have found no indication anywhere that he was in favor of making the term four years, and the Executive ineligible for reelection with that short a term.

The one school which stood for the theory of quick responsibility to the people through short terms was represented first by Thomas Jefferson, followed by Madison, followed by Monroe, followed by Jackson, and then, while Cleveland would not be looked upon as viewing these problems in the same light precisely in which those men did, although he was a great Democrat, Cleveland took almost identically the same view.

The other day I made an exception in the case of Woodrow Wilson. Wilson was elected for a second term. At his first election, Wilson was elected upon a platform containing a plank declaring in favor of a single term. That does not mean that Wilson committed himself to that. It was stated the other day that when a man runs upon a platform, naturally that commits him. I happen to know that President Wilson had no regard for that particular plank, and while I have seen a statement recently that he so stated openly, I have never seen the statement; but I am aware that he did not believe in that particular plank at all. I have never charged that President Wilson, running on a plank favoring one term and then afterwards becoming a candidate for reelection, was guilty of any particular inconsistency.

I have thought that in the cases of Jefferson, and Madison, and Monroe, and Jackson, all of whom are on record as believing fundamentally that there should be no reeligibility in the Executive, they were inconsistent, in that their practice did not agree with their theory. Yet that, perhaps, has no force in an argument.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. CUTTING in the chair). Does the Senator from Ohio yield to the Senator from Idaho?

Mr. FESS. I yield.

Mr. BORAH. Do I understand the Senator to contend that those men are on record in favor of one term where the term was four years?

Mr. FESS. No; so far as I know that dated back to the discussion in the Constitutional Convention as to whether there should not be a term limited to six or seven years, and ineligibility to reelection.

Mr. President, there is another phase of this resolution which calls for a little more extensive investigation than I have been able to give to it; that is, whether a term is completed when another oath is taken, even though the tenure of the first would not last over a day, or whether when a Vice President had succeeded to the Presidency and had been afterwards elected for a four-year term a third term would begin if he should be re-elected again, although his first term had not been a full one. It is on that particular point of dispute that I have been quoted in the press at times.

The first Vice President to become President was Tyler, who succeeded Harrison after Harrison had served only one month. Tyler's term, therefore, was 3 years and 11 months, short of the full term of 4 years by only 1 month. Nobody would deny that that was a full term. Tyler was a candidate for renomination, but was denied the opportunity of again running.

The next case was that of Millard Fillmore. Fillmore did not serve as President as long as did Tyler. It is not of any particular value, but I think it might be refreshing to Senators to have these facts. Fillmore served two years and nine months. Andrew Johnson served as President three years and ten and a half months. Arthur served as President three years and six and a half months. Roosevelt served as President during the

balance of the term for which McKinley had been elected—for three years and six months. I think there will be little dispute that if these men had been reelected they would have been serving second terms, although the first terms had been short of four years.

When we apply that to the President we find that he served one year and seven months of the unexpired Harding term, that being less than two years, and is the only Vice President who came to the Presidency to serve less than half the period of his predecessor's term. The question that comes to my mind—and it would never have arisen had not the question of the candidacy of the present President been broached in the country—is whether one year and seven months make up a term. I should not think it would, but there are distinguished Senators here, well recognized for their ability in history and constitutional law, who not only say that the one year and seven months will make up the term, but that even if it be but one week or if it be but one day it would make up the term; in other words, if it is the administering of the oath for but a minute, that means that he has fulfilled the course limited to two terms. If the present President or any other President should serve as Vice President 3 years and 11 months and 29 days, lacking only one day of the full four years, and then take the oath because of the death of the President, and serve but one day as President, his taking of the oath of office and serving that one day would constitute his full first term, according to their contention.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. FESS. Certainly.

Mr. BORAH. As this is only a tradition and not a constitutional provision with which we are dealing, so many things enter into and constitute the tradition that it would be very difficult to fix any definite standard by which to measure the particular phase of the matter which the Senator is now discussing. But there are two matters which we hear discussed in the ordinary walks of life, with the laymen, which have to do with it. We hear men say that no man in this country should be permitted to serve longer than Washington served, longer than Jefferson served, or Madison, if it is only a year longer. It is said by them that Washington served eight years, and somebody else proposes to serve nine years, and so forth. Those things all enter into the making up of the judgment of the people as the finality in the matter of tradition.

But the second proposition, speaking with reference to the present incumbent of the office, is this: Has the Senator any doubt that President Coolidge was renominated and reelected upon the strength of the record which President Coolidge made in that year and seven months rather than the record of his predecessor?

Mr. FESS. No doubt whatever.

Mr. HARRISON. Mr. President, I did not catch the Senator's answer to that question.

Mr. FESS. I said there was no doubt whatever. The Senator asked me if I had any doubt, and I told him I had no doubt.

Mr. HARRISON. But no doubt about what?

Mr. FESS. Will the Senator from Idaho repeat his question?

Mr. BORAH. Does the Senator wish me to repeat it or have the official reporter read it?

Mr. HARRISON. I just did not catch it.

Mr. BORAH. I asked the Senator from Ohio if he had any doubt about the proposition that President Coolidge was renominated and reelected by his great majority on the strength of the record which he had made or on the record which his predecessor had made? In other words, he had a term and upon its record he was renominated and was elected.

Mr. FESS. I scarcely recognize the relevancy of the question, but I have no hesitancy in answering the question as I did.

Mr. President, I had hoped the Senators were going to give me some light that would give me some relief as to what is the second or first term. I should like to ask the Senator whether a year and seven months of an unexpired term is properly regarded as the first term of the President. Let me ask, if that be true, would it be so if it were one year, or would it be so if it were one month, or would it be so if it were one day?

Mr. BORAH. My opinion is that the construction which would be placed upon the tradition, if it were involved in a campaign, would be that if the party had held office twice or held the term, whether short or long, and exercised the powers of the Presidency, he would be regarded as having had two terms.

Mr. FESS. Even had he served but one day?

Mr. BORAH. Even had he served but one day. As I said, this being a mere matter of tradition and not a constitutional

provision or matter of law, there is no measure which we can bring to bear upon it unless we take the proposition of "term" as having held the office.

Mr. FESS. What I would like to have my friend from Idaho tell me is this: Would the services of one day of an unexpired term amount sufficiently in his mind that he, a believer in the theory of limiting it to two terms, would say that he is denied the right to run the next time?

Mr. BORAH. Yes; that is my view. I want to say that I think the anti-third-term principle is sound, but I do not think it is sacred. I have said many times that while I think in ordinary exigencies of political conditions in the country the third-term principle ought to be observed, I am perfectly willing, however, to also leave it to the judgment of the people or the electorate. I would not write it in the Constitution of the United States. There may be times and terms and conditions in which the people would judge it better to have the President for the third time than to change under the circumstances.

I think that condition would have arisen, as I said yesterday, had Lincoln's first term been his second term; that is to say, had the exigencies of the Civil War situation arisen at the close of his second term as they did at the close of his first term, the American people would have insisted on his being President again, and he would have been President. When we take into consideration the stupendous effort which was made by the leaders in the Republican Party to confine him to one term, when he was advised over and over again by the leaders that he could not be elected, but that, the people being heard from, he was renominated and reelected, in my judgment that same thing would have happened at the close of his second term under similar conditions. That exigency might be justified. I believe, too, that had Washington had upon his hands at the close of his second term the situation that he had at the close of his first term, he would have consented to be a candidate for the third time, and he would have been reelected for the third time.

But those are extraordinary and exceptional conditions, which are to be appealed to when the judgment of the people think the facts justify it. In all ordinary conditions I think the third-term principle ought to apply. Therefore I would apply it, as I said a moment ago, to anyone who had held the office twice, whether it was a day or whether it was six months or a year.

Mr. FESS. The Senator would apply it as a principle, but open to exceptions on exceptional occasions?

Mr. BORAH. Yes. I am perfectly willing to leave it to the people. I have no doubt, in the light of the 150 years which have passed and the experiences we have had in regard to this matter, and judging by the examples of great men who have gone before and the political jealousy of the people, but that it is perfectly safe to leave it to the people. In other words, I would not write it into the Constitution of the United States. I would leave it a tradition.

Mr. BRUCE. Mr. President—

Mr. FESS. I yield to the Senator from Maryland.

Mr. BRUCE. Does not the Senator from Ohio overlook the fact that any rule, whether it is a third-term rule or other rule, to have any real significance and efficacy must be a rule of general application? There is always the possibility, of course, of a President dying within a month after he takes office or of a President dying two or three months afterwards and the Vice President becoming President. Now, a rule of general application can not speculate and should not speculate in the contingencies involved in the question of when the President may or may not die and be succeeded by the Vice President.

What the third-term tradition opposes, as I construe it, is the accumulation of personal prestige and authority that may be brought about by a man occupying the exalted office of President, with all the patronage and power that attach to it, for more than two terms. So enemies of a third term can not afford to take any risk as to the time when a President may or may not die. The rule should be broad and flexible enough to cover any and every mortuary contingency so far as the President is concerned. I think the Senator overlooks that.

Mr. FESS. In other words, the rule ought to be so regarded that it can be broken just as easily as kept, and then there would be no embarrassment at all.

Mr. BRUCE. No; I would have it inviolate. I would not have it turn on the question as to when the President may die and be succeeded by the Vice President. The rule, to have any value, must, like all rules of that kind that have any value, be uniform.

Mr. BORAH. There is no way to make this tradition inflexible. If it is not a constitutional provision or written in the law, there is no way by which to make it inflexible, because

it depends entirely upon the judgment of the electorate. Unless we write it in the Constitution I do not know how we can make it inflexible.

Mr. FESS. Mr. President, what I have been trying to indicate that is embarrassing to me is whether taking the oath of office complies with the full term of four years and has the same effect as a full four-year term. The Senator from Maryland [Mr. BRUCE] thinks that the situation which I have suggested might not arise. It might very easily arise, and that is the thing I want to know about. What makes the first term? What makes a full term? Is one day just the same as four years? I insist that it is not that, although the Senator from Idaho [Mr. BORAH] thinks so, and Doctor Butler, president of Columbia University, says it is true. The Senator from Maryland thinks that completes the term. I can not see it in that way. However, it is perfectly safe to leave it as the Senator from Idaho puts it, and then nobody is embarrassed. No matter how much we talk here, no matter what opinion might be expressed, let the people decide it. They will decide it one way or the other. One time it will be one way and another time it will be another way.

I fully agree with the Senator from Idaho in that if Washington would have permitted himself to run in 1796 he would have been elected without very much doubt.

Mr. BRUCE. Mr. President—

Mr. FESS. Just a moment. I think there is no doubt that if Andrew Jackson would have given any intimation that he wanted to succeed himself in 1837, instead of really appointing his own successor in Martin Van Buren, he could have elected himself more easily or as easily as to have selected his successor. I have no doubt about it.

I have not the slightest doubt that if President Lincoln had been spared to complete his second term, because of the popularity he had enjoyed and the confidence and love he had inspired, he could have been reelected. I also have not any doubt if Colonel Roosevelt had been nominated in 1912 without opposition, although having served, as he claimed, two terms, that he would have been easily elected, and if death had not taken him when it did there would not have been a single opposing candidate against him in 1920, and he would have been overwhelmingly elected in that year, notwithstanding the fact that he had been twice President. Now I yield to my friend from Maryland.

Mr. BRUCE. The Senator from Ohio, however, realizes that if a President were to die a month after he took office and were succeeded by the Vice President, who rounded out the term of the President, and then himself was elected to another term, and then to still another and another term, and in that way gradually—for that was the theory of Mr. Jefferson—became an emperor or an autocrat of some sort, it would not make much difference whether or not Presidents as a rule died after a longer period than one month after succession to office. One catastrophe would be enough fully to justify the anti-third-term tradition.

Mr. FESS. The Senator from Maryland will agree with me, I am sure, that Jefferson's opposition to a third term was better fortified and more warranted than any opposition to a third term in this day would be. Jefferson lived at a time when the Republic was young, when we had no friends. He served in France with great honor, as the Senator from Maryland knows. He recognized the flux of political situations in Europe. He had written the Declaration of Independence, the greatest document of human liberty that has come from the hand of man, and it is significant that in that document every count of the indictment with the exception of 2—making 22 in all—begins with the personal pronoun "he" in reference to the King of England, of whom he was very fearful. Jefferson sat in the Legislature of Virginia, which was not then a sovereign State but a colony which ought to have had the right of local government, and he saw the legislature of his own State, of which he was a part, dissolved by a royal governor appointed by the King of England.

Jefferson had reason for fearing the dangers of executive usurpation. He also had reason for fearing the man on horseback, because Napoleon was in the saddle at that time. There is not the slightest fear of that to-day, is there?

Mr. BRUCE. The entire Republican convention in 1880 certainly cherished that fear as strongly as Mr. Jefferson ever did when it refused to give a third term even to such a military hero as General Grant. Mind you, there were no Democrats in that convention, and it was held some years after the split in the Republican Party of that time.

Mr. FESS. Mr. President, Grant was one of the world's greatest soldiers. In 1868 he was nominated by a unanimous convention; every vote in the convention being cast for him, and not a single vote being cast against him. He was elected

by a tremendous majority. He was not, however, skilled in the politics of the country; he was only a soldier. Because of opposition to certain policies which General Grant announced, most of which I agree were very sound—and one of the fundamental principles of finance he sustained by a veto—he made himself extremely unpopular with the politicians of the country. Then in some appointments he offended a certain group, and all who have any familiarity with history will recall that the opposition grew so powerful that Horace Greeley led a revolt and the Liberal Republican Party was formed which put a candidate in the field in 1872 against Grant. Unfortunately, the Democratic convention endorsed Horace Greeley as did the Liberal Republicans, although a branch of them broke off and nominated Charles O'Connor. In 1872 the fight in the Republican Party was so bitter that it resulted in the breaking off of a large element of the party. Then, by 1875 there was such a falling away of support even among the Republicans that when Springer, of Illinois, introduced his resolution, that in language was similar to the one now pending, 164 Democrats—every Democratic Member of the House—voted for it and the opposition to General Grant was so strong that most of the Republicans voted for it.

Mark you, this was in 1875, preceding the famous battle of 1876, which is known as the "disputed Presidency." Then, in 1880, with this factional fight still running, the Republican Party, led on the one hand by Blaine and on the other hand by Conkling, was looking for a candidate. Grant was then making a trip around the world. He was feted in every capital of the Old World. He landed at San Francisco in 1880. Conkling said, "There is our candidate." He immediately took him up and undertook to nominate him for President in 1880. The contest was between Conkling and Blaine. Conkling had not the votes; Blaine had not the votes; and the compromise was the nomination of Garfield. There is not a scintilla of evidence that Grant could have been nominated, whether it had been after his first or second or third or fourth or even his twentieth term.

I think there can be no doubt about that. My suggestion to my friend from Maryland is to this effect: Whatever legitimate grounds there may have been against a third term in the early history of our country, those grounds do not now obtain. I do not think there is any fear whatever of the man on horseback, as was the case in the days of Napoleon.

Mr. BRUCE. Mr. President, if I may interrupt the Senator further, let me say that that may be true under ordinary circumstances, but suppose our country should find itself faced by turmoil and insurrection, or even revolution, if you please; and the fears of the propertied classes of the country, indeed, of all the conservative elements of the country, were very much aroused; does the Senator think that even under those conditions such a thing as a President gradually sliding into an inheritance, to use Mr. Jefferson's phrase, would be impossible?

Mr. FESS. I do not think that a resolution of the character now pending before the Senate would have any effect whatever upon retarding events if such a condition should arise. It would not make any difference what we may say here to-day.

Mr. BRUCE. I think it would.

Mr. FESS. I do not think so.

Mr. BRUCE. It is fair, I think, to assume that a resolution formally adopted by this body would have a certain degree of effect in molding public opinion.

Mr. FESS. Mr. President, with the growth of industry in America, with great masses of our people employed in factories located in great centers of population and wholly dependent upon the continuance of their occupations for a livelihood, I confess I sometimes tremble when I think of the possibility of any derangement in industrial conditions such as might be caused by a great depression which would cause populations to suffer for want of work. I have no reference now to any political theory; I am speaking merely about the growth of population in great centers, dependent wholly upon one great branch of industry. In case that industry should fail to give employment, operatives be thrown out of employment, and a great strike ensue I can imagine that, under certain leadership, a despotism might follow.

Mr. BRUCE. The Senator can imagine, in other words, that a man on horseback might come along under those circumstances.

Mr. FESS. However, I do not think that a vote in the Senate on the question of a third presidential term would have as much effect as a fly on a dog's ear in a case such as that.

Mr. BRUCE. I am sorry that the Senator entertains such a poor opinion of the influence of the Senate. I am sure the Senator will agree with me in thinking that on the eve of the World War there was no reason to believe that Italy, a coun-

try endowed with the freest of institutions, would ever pass under the sway of such an autocrat as Mussolini. Yet to-day Italy has just as much a dictator as ancient Rome ever had at any time in her history.

Mr. FESS. While that is true, I would not admit that what could be done in Italy could be done in America. I would not admit that for a moment.

Mr. BRUCE. I do not know about that. The history of the Italian struggle for liberty is one of the most glorious things in human history. The Senator knows that.

Mr. FESS. That is true.

Mr. BRUCE. And the Italians had a great deal more from which to free themselves than we had when we waged our Revolutionary War.

Mr. FESS. The Senator is a student of history and he knows that for a hundred years before the Federal Constitution the thirteen Colonies were training themselves for government in which all the people should participate, and then, after 100 years of such training, there was convened the Constitutional Convention, which framed an instrument, containing only seven articles, that has been our bulwark of our liberty and our organic law for 139 years, during which time the country has never experienced a revolution. I do not think there is in America any danger at all of what has taken place in Italy. I do not for a moment think it possible.

Mr. BRUCE. The Senator knows, though, what a desperate struggle the Italian people carried on to free the state from the church and from foreign influence.

Mr. FESS. Yes; I admit that.

Mr. BRUCE. That was one of the most strenuous contests that any people ever waged. The Senator surely remembers what a long step it was from the government of the Bourbons in Italy to Cavour and Mazzini.

Mr. FESS. I will simply remind my friend that there are eight nations in Europe now that might be regarded as being under dictators, all the result of the World War. There is not any possibility of that sort of thing taking place here in America with our population. We view the problems of government on an entirely different plane, and I think it is the result of 250 years of training; and no other nation has had the training that we have had in this form of government.

Mr. BRUCE. The Senator realizes, of course, that the time will come when our country will be much more densely populated than it is now.

Mr. FESS. Yes; and our problems will be greater.

Mr. BRUCE. And there will probably be a great deal more social disaffection and unrest than there is now. That is what Macaulay anticipated, the Senator will recollect, in his famous letter to Mr. Randall, the biographer of Jefferson, when he said that the trouble with our Government was that it was all sail and no anchor. That is not true at the present time; but if such a storm were to break in this country, as it is not difficult to imagine, we might desire considerably more anchor and less sail than we have now.

Mr. FESS. The Senator will recall that de Tocqueville also made a prophecy that this Government could never stand perpetually in a republican form, and prophesied that it would not be many years until we would lose our existence. The Senator recalls that.

Mr. President, reverting to what I said a moment ago, that I think there is no doubt about what would have taken place in elections in spite of the third-term tradition if these persons had announced themselves candidates, I hope I shall not be regarded as violating the amenities of this Chamber if I say that I have looked upon the term of one year and seven months of the present President as a fraction of a term. I did not count that as a full term. I looked upon the close of the present term as not the completion of two terms. That is the reason why I constantly attempted to refute the idea that if President Coolidge were renominated there would be any violation of the third-term tradition. It would be a tenure longer than eight years; it would be an innovation to that extent—that is, no President in our history has ever served more than eight years—but, while it would be a year and seven months more than eight years, it would not be a violation of the third-term tradition. If that would be a violation of it, then one year more would be, or one day more would be; and I have thought that an untenable position.

What I said a moment ago about President Roosevelt I would say frankly to-day about President Coolidge—that if the way opens for his nomination I do not hesitate to say that he will be elected by one of the largest majorities ever given in an election, in spite of the tradition that friends of mine say would be broken on the third-term matter.

Mr. BRUCE. But the Senator does not think, I am sure, that the President could be induced, after he has practically

given his word to the people of the United States not to be a candidate to succeed himself, to be a candidate again?

Mr. FESS. Mr. President, I have noted with the greatest interest the Democratic planning and strategy that has surrounded the name of President Coolidge ever since the suggestion was made that he might be renominated. I admire the brilliant strategy. It is not only seen among Democratic Senators but it is read in every great Democratic newspaper. They are taking this view: The men who say that President Coolidge could not accept a nomination tendered to him when it is not sought because it would be bad faith, because it would be insincerity, because it would show a lack of character, are expressing a wish rather than a judgment. There is not any doubt about that.

Mr. BRUCE. No, Mr. President; I say to the Senator, so far as I am concerned, that he is absolutely mistaken. No strategic motive of any kind enters into my convictions in relation to this subject. I have taken the President at his word; and I believe, and I shall continue to believe until I am absolutely disabused of the impression, that he is another one of our Presidents who has set a most inspiring example to the American people in declining a third term when the nomination, at any rate, for a third term was completely within his grasp. As I said the other day, I believe that he has been actuated by the same motives by which Jefferson was actuated, by which Madison was actuated, by which Monroe was actuated, and by which Jackson was actuated under similar circumstances; and I, for one, would have a much less high opinion of the President than I have if I thought that after having said what he has said he could be capable of allowing himself, his own motives, his own purposes, and his own words to be overruled by any external influence, however strong.

Mr. FESS. Mr. President, I think we shall be compelled to accept the statement of the Senator in good faith as he has expressed it, although it is a happy situation for a Democratic leader to be in to have a conviction that fully comports with his wishes in the matter. It relieves some embarrassment.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Ohio yield?

Mr. FESS. I yield.

Mr. ROBINSON of Arkansas. The Senator has had a good deal to say recently about strategy in connection with this subject. He has also credited the Senator from Maryland [Mr. Bruce] with good faith in the expression of his attitude.

It is recalled that after the President made his famous announcement, "I do not choose to run in 1928," the Senator from Ohio, according to press reports, placed on the President's announcement the same construction that he is placing on it now; and we read a story, generally published, that the Senator from Ohio was called to the White House and severely reprimanded for apparently questioning the good faith of the President's declaration, and for implying what he is implying now, that the President really did not mean what he said; that he was simply inviting pressure to induce him to run again, or was soliciting the influences of his party organization to draft him and force him to run. I wonder if the Senator from Ohio believed that the President meant what he said when he declared that he would not run again in 1928?

Mr. FESS. Mr. President, there is not any doubt about what the President meant to say. He meant precisely what he said.

Mr. ROBINSON of Arkansas. There has been some question as to what "I do not choose to run in 1928" means.

Mr. FESS. He meant precisely what he said, Mr. President.

Mr. ROBINSON of Arkansas. Will the Senator yield for a further question? Why did the Senator seek to coerce, or to persuade, if he prefers that term, the President into violating his construction of his proper relationship to the campaign of 1928? Why did the Senator from Ohio try to induce him to run when he said he did not want to?

Mr. FESS. Mr. President, the wants of the President may not be the same as my own.

Mr. ROBINSON of Arkansas. Manifestly; but why did the Senator from Ohio want the President to run for another term when the President said that he did not choose to do so?

Mr. FESS. For the same reason that the Democrats would like to find somebody that could win, which they can not do.

Mr. ROBINSON of Arkansas. Oh! Then the Senator from Ohio thought the President had a better chance to win than any other person mentioned among the Republican candidates?

Mr. FESS. No; the woods are full of Republicans that can win.

Mr. ROBINSON of Arkansas. Oh, yes. We have them from Ohio and we have them from almost every State in the Union.

Mr. FESS. Of course we have.

Mr. ROBINSON of Arkansas. But what I am trying to get the Senator to say is why he found it incumbent upon him to incur the lightninglike wrath of the Chief Executive by implying to the country that the President really did not mean that he did not want to run; that what he meant was that he wanted to be forced to run?

Mr. FESS. Mr. President, the Senator from Arkansas is trying to inject a personal matter here as to which I think I shall have to take Senators into my confidence and explain what they do not understand.

Mr. ROBINSON of Arkansas. Oh, the Senator wants to make a confidential statement?

Mr. FESS. Yes.

Mr. ROBINSON of Arkansas. Then will the Senator tell us if the President really did get mad with the Senator from Ohio when the Senator tried to force him to run again?

Mr. FESS. Mr. President, just how far one ought to talk in the Senate about a newspaper episode is somewhat uncertain in my mind.

Mr. ROBINSON of Arkansas. If the Senator says—

Mr. FESS. I want the Senator to listen to me.

Mr. ROBINSON of Arkansas. Will the Senator yield?

Mr. FESS. No; not now.

The President made a statement on August 2 at Black Hills. I was at Black Hills within a few days after that statement was published. I talked with the President about the statement and expressed my regret and surprise. I learned that the President desired to leave the presidential office on the 4th of March, 1929. I got the argument that this was not a one-man country; that there were plenty of other candidates; that the office was one of burdens. I had no intimation then, nor ever since, that the third-term idea had ever entered his mind. I assumed from what I could gain without quoting him that the office is one of burdens and of service, and that if the argument I was putting up that the country needed him was of any force, the same argument could be used four years from now, and for that reason there was no force in it.

Mr. ROBINSON of Arkansas. Now, will the Senator yield?

Mr. FESS. No; not yet.

I read the statement in the light of possibilities. Although there was not any doubt of the President's meaning, I could not see that he would be foreclosed by what he said from accepting a nomination in case it was tendered him. That is the argument that I offered to the public without any authority from him.

The time came when I was in New York City, and the New York Times wanted an interview. I did not hesitate to say to them that while the President had taken himself out of the candidacy so far as a statement would go, I did not feel that the American people were denied the right to nominate him and tender him the nomination, even though he had stated that he did not choose to run.

A few days after that I was not called to the White House; I went to the White House to talk on some other matters. We had a good time; and when leaving—

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. FESS. Not now. Upon leaving, I said to the President, "I hope that my frequent references to your being called in 1928 are not embarrassing to you." Then he frankly let me know that they were embarrassing to him. While I insisted that there was no ground for it, that the people did not believe I was talking with his approval but upon my own responsibility, he said, "The difficulty is the people will likely think you are talking with my approval," and I found that the President felt somewhat embarrassed. I said to him, "If you really think that, I will clear it up immediately." Senators know what happened. When I got out to the newspaper boys I said to the boys, "Make it perfectly clear that when I am talking about the President being drafted next year I am talking on my own responsibility—I am not talking with his approval." Then I added what was not true, but I wanted to get it across, "I find the President seems to be greatly displeased with what I have said."

Mr. ROBINSON of Arkansas. Will the Senator yield there?

Mr. FESS. Not yet. When I said, "I find the President is displeased with what I have been saying," then the boys said, "Were you called to the White House?" I said, "No; certainly not." They said, "Well, is this a second announcement, second to the Black Hills?" I said, "Why, certainly not." I found, with accumulated questions, that the newspaper boys came to the conclusion that I had been reprimanded, that I had been rebuked; and one of them went to the extent of saying, "Anybody acquainted with Mr. Fess would know that he had a run-in, because he was flushed in the face."

It was all amusing, and while it was getting the thing across that I aimed to put across, I did not mean to pay the price for it that I had to pay by having it said that I was rebuked, or that I was censured or reprimanded, for there was not an element of that in it whatever.

Now I yield to my friend from Arkansas.

Mr. ROBINSON of Arkansas. The Senator said a moment ago that he stated what was not true when he declared that the President was displeased.

Mr. FESS. I said, "I find that the President is greatly displeased." I have just said that I found nothing of the sort.

Mr. ROBINSON of Arkansas. The Senator said that he stated that, but that it was not true. The Senator has had a good deal to say about the newspapers, and now I would like to know whether the stories in the newspapers were true that the Senator, when he left the White House, looked despondent, dejected, depressed, distressed, and despairing.

Mr. FESS. All of those things were said.

Mr. ROBINSON of Arkansas. All of those things were said?

Mr. FESS. And I was just as despondent as I am this minute.

Mr. ROBINSON of Arkansas. The Senator says that he was not speaking with the approval of the President. I would like to ask him if he is speaking with the approval of the President now.

Mr. FESS. I am not. I speak altogether upon my own responsibility.

Mr. ROBINSON of Arkansas. Then the Senator is liable to be called to the White House again and reprimanded.

Mr. FESS. I was not called to the White House.

Mr. ROBINSON of Arkansas. The Senator is liable to be reprimanded the first time he goes down to the White House to get a job for somebody.

Mr. HARRISON. Mr. President, I want to ask the Senator a question to clear up a question in my own mind.

Mr. FESS. I yield to the Senator.

Mr. HARRISON. Does the Senator mind telling the Senate whether the reports that came out were true that when the Senator had his conference with the President, and when the President upbraided him, or reprimanded him, or chastised him—

Mr. FESS. When the newspapers said that he did.

Mr. HARRISON. That he hit him on the wrist, and told him not to do it any more?

Mr. FESS. We all not only understand the Senator from Mississippi, but we greatly appreciate the humor that always underlies everything that he says.

Mr. President, I had not intended saying anything about the rebuke said to have been administered in connection with the question of drafting the President. But I do repeat this, and I want the country to know it, that I should not regard it as a mark of insincerity, or dishonor, or any breach of faith, or a lowering in any degree of character, if President Coolidge should accept should the convention at Kansas City tender him the nomination. I do not take that view of it.

Mr. ROBINSON of Arkansas. Will the Senator yield?

Mr. FESS. That does not mean that I think that the President does not mean what he says, because I well know that he does mean what he says.

Mr. ROBINSON of Arkansas. What force does the Senator give to the declaration of the President, repeated over and over again, that he does not choose to run in 1928?

Mr. FESS. I give the same force that I give to the statement of the Vice President that he is not a candidate for the Presidency. That does not mean that he could not accept the nomination without discredit or dishonor, and nobody else believes that except those who are afraid that he will be nominated.

Mr. President, in my judgment, the present President has a record upon which the country looks with favor. If the convention should decide to tender President Coolidge the nomination, I do not know whether he would accept it or not. He might refuse to accept it; but he certainly could accept it without any breach of honor and without any bad faith.

Mr. ROBINSON of Arkansas. But the President does not take that view of the matter, because he reprimanded and corrected the Senator from Ohio for the expression of that opinion.

Mr. FESS. The Senator can put his own interpretation on the words of the President.

Mr. ROBINSON of Arkansas. What is the Senator's interpretation of the President's attitude?

Mr. FESS. The Senator from Ohio has stated over and over that in his judgment President Coolidge does not want to continue after March 4, 1929, as President. President Coolidge is

certainly tired of the office he is holding. I do not admit that the mere decision or conviction that he wants to quit would be inconsistent with an acceptance of the nomination if it should be tendered.

Mr. ROBINSON of Arkansas. The Senator feels, notwithstanding all that he has stated, and notwithstanding the President's repeated declaration, that the President is just as free to accept the nomination as if he had said nothing?

Mr. FESS. Without a doubt, Mr. President. If the convention shall tender President Coolidge the nomination, when the world knows he does not want it, when he is not seeking it, when he can not be charged with corraling the delegates to force it, when he has made it clear that he does not want it, if the people of this country wanted him to have it, he could accept it without any dishonor whatever; there is no doubt of that. Our friends on the other side are so fearful that it will be tendered and he will accept it that they are trying to make it appear that it would be dishonorable, an act of bad faith, if he should accept the nomination. In my judgment, there would not be any breach of honor in his acceptance of the nomination, because the President has made it perfectly clear that he does not want the office again.

Mr. ROBINSON of Arkansas. Will the Senator yield for another question?

Mr. FESS. I yield.

Mr. ROBINSON of Arkansas. Does the Senator feel that he is in accord with the President in the opinion he has just expressed?

Mr. FESS. Oh, the Senator should not attempt to involve me in trying to involve the President.

Mr. ROBINSON of Arkansas. I am not trying to involve the President.

Mr. FESS. The President does his own speaking. I know nothing more than his words express. I do not want the Senator to ask me whether I think the President thinks of it as I do. The Senator knows as much about that as I do. I am simply speaking of the code of honor, which would allow the President to accept an office that he does not want if it is tendered to him when he does not seek it. There would be no dishonor; and if the nomination shall be tendered to him when he does not seek it, he will be so overwhelmingly elected that the Democrats will look a long time for a leader who will stand equal to him.

Now, Mr. President, as to this resolution, I can not vote for it.

Mr. HEFLIN. Mr. President, before the Senator goes into that, may I ask him a question?

Mr. FESS. I yield.

Mr. HEFLIN. Does the Senator believe that when the President said "I do not choose to run" he meant "I will not accept the nomination if tendered me"?

Mr. FESS. I do not think the two things are at all the same. I have never talked to the President about the wording of his statement. I have gotten it direct that he means what he says, and my conclusion is that the President wants to leave the office. I am talking about whether a man like the President, called by the people, although determined not to continue, would be in dishonor if he should yield to the call of the people. I say that he would not, and that is saying nothing about what the President himself wants to do.

Mr. HEFLIN. The Senator thinks, then, he left the door open, so that if he should be nominated, he could accept?

Mr. FESS. That is the Democratic interpretation.

Mr. HARRISON. What is the Senator's interpretation?

Mr. FESS. My friend from Mississippi is very fearful that the door will be kept open.

Mr. HARRISON. No; I am not fearful at all.

Mr. FESS. All the Democrats are fearful, including not only Senators but the New York Times and the great Democratic papers, which would be very glad to see our friend the Governor of New York the candidate of the Democratic Party.

Mr. HARRISON. Will not the Senator tell us what his interpretation of the language used by the President is?

Mr. FESS. The President has stated, in his language, in his formal statement, that he does not choose to run in 1928. I do not propose to comment upon his statement. I let the Senator do his own commenting, and make his own interpretation. All I say is that, in the light of that statement, to my mind meaning that he does not want to run in 1928, in case the convention should tender him the nomination when he does not want it, when he does not seek it, when he has made it known to everybody that he does not want it, there would be no dishonor in his accepting it.

There is a chance, I will say to my friend from Mississippi, that the convention might reach the point where they would want to tender the nomination to the President. Then whether he would accept it or not would be a different thing. I do not

know. But I do not see how anyone could decline it if tendered in that way. That is only my own opinion, however.

Mr. HEFLIN. Mr. President, may I read the Senator just three lines of what George Washington said on that subject?

Mr. FESS. On what subject?

Mr. HEFLIN. Exactly what the Senator is talking about, declining to run. He stated in his farewell address that he felt that—

I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

He did not say he did not choose to run. He said he had formed a resolution not to run, and that he would not even be considered for the office.

Mr. FESS. In case he had been nominated and tendered the office after he had made that statement, it would have meant dishonor, would it, for him to have accepted it?

Mr. ROBINSON of Arkansas. Undoubtedly.

Mr. FESS. No; it would not.

Mr. HEFLIN. The position he took was for the good of the country. He did not think a President ought to have more than two terms. He realized that he was setting a precedent that was good and was for the good of the country.

Mr. FESS. It is a gratuitous statement that he did not think a President ought to have more than two terms. I challenge the Senator to show a single line in anything that Washington ever said that would indicate that he did not think a President should have more than two terms.

Mr. BRUCE. Mr. President, may I interrupt the Senator?

Mr. FESS. I yield.

Mr. BRUCE. Does not the Senator think that it would be pretty harsh treatment for a Republican President publicly to state twice that he had no intention of being a candidate to succeed himself, and thus to entice, so to speak, various rival candidates into the field, as, for instance, the Senator from Ohio [Mr. WILLIS], the Senator from Kansas, and other Republican candidates for the Presidency at this time, and then afterwards, after they and their friends had carried on extensive campaigns, and perhaps very costly campaigns in a pecuniary sense, at the last moment, when the convention met, to accept the Republican nomination to the Presidency?

Mr. FESS. That long hypothetical inquiry involves the President doing something himself, planning a campaign, which everybody knows is not true. He is not doing anything of the kind. Suppose the campaign goes on, as it will go on up to the meeting of the convention, and the convention decides, no matter what has been said in the campaigning of candidates, that it will turn to the President, because they will conduct the campaign upon the administration as the main argument upon which to go to the people. Why is it that the President would be in dishonor when he has nothing whatever to do with it? Does the Senator mean that under those circumstances, where a convention would tender the nomination, it might be by unanimous vote of the convention, it would be dishonorable to those who had failed to be nominated for him to accept it?

Mr. BRUCE. I think it would be bad faith. The Senator recalls that when the honored McKinley, from his own State, went to a Republican convention as a friend and adherent of John Sherman, and the convention attempted to substitute his name for that of Sherman, he rose and declared that he would consider himself dishonored if, after coming to that convention under the circumstances he had, he were to accept a nomination to the Presidency from it.

Mr. FESS. McKinley's language was even stronger than that. He said he came pledged to the candidacy of John Sherman, an Ohio man, and he would rather be taken home in his coffin than to break that pledge. But let me say to the Senator that McKinley was a delegate who was elected on a pledge for a candidate who was before the convention.

Mr. BRUCE. The Senator's point is that the unanimous overpowering call of a presidential convention is sufficient to dissolve any personal obligation that a man owes to his own statements of his intentions.

Mr. FESS. Certainly. The convention would desire to nominate the best man for the country. They can not nominate more than one. They must make a difference between this one and that one, and if a convention delegate can not vote for somebody who can win and upon whose record we are going to run without dishonoring him, I do not know the code of honor or the code of ethics of the Senator.

Mr. BRUCE. All I say is, if I know the code of honor, that Secretary Hoover would have bitter cause to complain of the President, the Senator's colleague [Mr. WILLIS] would have bitter cause to complain of him, Mr. Lowden would have bitter cause to complain of him, and every other Republican candi-

date for the Presidency at the present time, too, if, after he had been prompted by the President's own words to become a candidate, with all the loss of time and expenditure of money that such a candidacy involves, the President were to accept another nomination to the Presidency.

Mr. FESS. The interest of Democrats in the candidacy of President Coolidge is in reverse ratio to their success or wishes of success. This tremendous outbreak of those Senators is only a measure of their fear that what I am saying will come true, and they are trying to put it on the basis of dishonor. I state that there is not a scintilla of dishonor in politics, in ethics, in what not, if any man is tendered the nomination without his seeking it when he is known not to want it. If after this is known he is tendered the nomination and accepts it, to accept it under those circumstances is no dishonor.

Mr. BRUCE. Was not the nomination tendered to McKinley when John Sherman was a candidate?

Mr. FESS. Oh, no. There was simply a vote in the Ohio delegation that they were ready to tender it to him and break away from John Sherman, and he did not want it.

Mr. BRUCE. As a matter of fact, there was a demonstration in the convention, if my memory is not at fault, though the human memory is a very unreliable organ, which indicated as plainly as anything could indicate that the convention wanted to nominate McKinley. Of course, it is inconceivable that under those circumstances John Sherman himself would not have been generous enough to release McKinley, and I think it is not unlikely, if the secret history of the whole transaction were known, that he proffered himself as ready to release him; but McKinley in effect said, "No; I came here as the supporter and adherent of John Sherman. To him my scrupulous good faith is due, and I would consider myself a dishonored man if I were to accept the nomination." Indeed, as I recollect, he went so far as to say, "If the nomination is actually tendered to me, I will decline it."

Mr. FESS. Mr. President, in 1880, in the convention James A. Garfield nominated John Sherman in one of the most eloquent addresses delivered in any political convention in our history. The day before he made that nominating speech the delegates were in a fight on the floor of the convention over the adoption of the unit rule of the convention. The question was whether each delegate in a State delegation could vote his own view or whether the majority of the delegates would vote the delegation. Garfield stood on a chair, as the Senator from Indiana [Mr. WATSON] will recall, in the midst of that convention and made an open fight on the floor of the convention and reversed the action of the committee, and made himself immediately one of the strongest figures in the convention. Up to that time he was not considered as a candidate. On the very first ballot there was an attempt to inject Garfield's name. He declined it. Then later others, and still others, voted for him, and finally on the thirty-seventh ballot Garfield was nominated. Was there any dishonor on the part of Garfield in going to the convention and presenting John Sherman's name and standing by him, and yet, when the convention turned to Garfield, for him to accept it? Was there any dishonor in that?

Mr. BRUCE. I was not referring to Garfield. I was referring to McKinley.

Mr. FESS. I know the Senator referred to McKinley, but I am referring to a second incident and that is the one involving Garfield. If the Senator believes that Garfield in 1880 was subject to criticism, that he committed a breach of honor, then he and I do not agree.

Mr. BRUCE. In my opinion Garfield did a good many things that McKinley would not have done, and the Senator knows why I say that. He is familiar with his political history.

Mr. ROBINSON of Arkansas. Does the Senator from Ohio regard the conduct of Mr. Garfield as exemplary, going to the convention pledged to a man and nominating him, and then taking the nomination himself?

Mr. FESS. I regard Garfield's conduct as perfectly in order.

Mr. HARRISON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. FESS. Certainly.

Mr. HARRISON. May I ask the Senator if in his nomination speech to-day of the President for a third term he does not feel that he is doing an injustice to his colleague from Ohio [Mr. WILLIS], who is a candidate for the Presidency?

Mr. FESS. No injustice whatever. I am speaking upon my own responsibility and I hope with the approval of my colleague.

Mr. WATSON. Mr. President—

Mr. FESS. I yield to the Senator from Indiana.

Mr. WATSON. Does not the Senator believe that before Garfield accepted the nomination, either he personally or some of his agents or lieutenants or close friends in the delegation were in intimate touch with John Sherman, and that John Sherman withdrew and acceded to the nomination of Garfield?

Mr. FESS. Certainly.

Mr. BRUCE. Does not the Senator believe the same thing of McKinley, that he was approached by friends of John Sherman and told that Sherman would not stand in the way of his nomination; and yet, like the strong good man he was, refused to accept the nomination?

Mr. FESS. The Senator from Maryland answers his own question.

Mr. BRUCE. That is the safest way.

Mr. FESS. Most Senators are well acquainted with what Ohio does. We participate in all national conventions and the record ever since the Civil War, and even before that, is not to be ashamed of. Out of the entire list of Presidents, only eight of them have come from the State of Ohio.

Mr. BRUCE. I believe some one once said that some men are born great, some achieve greatness, and some are born in Ohio. [Laughter.]

Mr. FESS. That is true. The distinguished Senator from Maryland once in a flight of oratory said that there is much greatness in the West, most of which had gone from the East, all of which had to go on trunk lines, and all of which went across Ohio, and that naturally some of the greatness en route rubbed off in that State.

Now, as to the resolution I do not like the language:

That any departure from this time-honored custom would be unwise—

I do not object to that word—

unpatriotic—

I do object to that. I do not believe that anyone who thinks of the possibilities that might obtain at the close of a second term would say that there are not some circumstances where a third term might be entered upon without being unpatriotic. It seems to me, even though we believe in the wisdom of limiting the tenure to two terms, there might arise cases where it would be a patriotic service to accept office for a third term.

Mr. HARRISON. May I ask the Senator if the words to which he objects were stricken out would he support the resolution?

Mr. FESS. There are some other words in the resolution which I should desire to have stricken out, and then I would support it. I want the word "unpatriotic" stricken out; nor do I want to vote for a resolution containing the words "fraught with peril to our free institutions." I would not object to voting for it as a general statement, but I desire to make exceptions. There may arise cases where the peril would come in not departing from the tradition. If that clause could be so worded as to be a general statement, with exceptions left open, I should not oppose it. I, however, would not vote for any resolution that included the second resolving clause.

The Senator from Wisconsin, who offered this resolution, expressed the idea in the speech he made when the resolution was first under consideration, and he made it perfectly clear that one of the reasons for the introduction of the resolution is a fear that the President might be a candidate under certain circumstances, and he thinks the resolution, if adopted, would at least assist in preventing that happening. I would not vote for any suggestion of that kind at all; and it seems to me that Senators who are acting from the standpoint not of mere politics but of a general principle in government would hesitate to favor that particular clause of the resolution.

Mr. LA FOLLETTE. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. FESS. I yield.

Mr. LA FOLLETTE. After listening to the interpretation which the Senator from Ohio placed upon the statements made by the President of the United States on August 2 and December 6, I desire to say that, if that interpretation is sound, certainly the second paragraph should be stricken from the resolution.

The Senator from Ohio has stated that it is his conviction that the President of the United States has left himself in a position where he could accept the nomination if tendered. If that be the proper interpretation to place upon the President's statement, it would certainly be most inappropriate for the Senate of the United States to commend the President's observance of the anti-third-term tradition if in fact his statements

do not warrant the conclusion that he intends to observe that tradition.

Mr. FESS. Mr. President, the remark of the Senator from Wisconsin that my statement was to the effect that the President has left himself in a position by his statement to accept another nomination for the Presidency is unwarranted. That would ascribe to the President the purpose of making a statement that would be open to two interpretations. No Senator who has listened to me to-day would make such a statement.

Mr. LA FOLLETTE. Mr. President, will the Senator from Ohio yield further?

Mr. FESS. I yield.

Mr. LA FOLLETTE. After listening to the interpretation of the Senator from Ohio of the statements made by the President of the United States August 3 and December 6 as to his being a candidate in 1928, I wish to say that if the construction placed upon the President's language by the Senator from Ohio is correct, then I agree that the second paragraph should be stricken from the resolution following the President's supplementary statement of December 6, 1927, because, following that statement, the interpretation generally placed upon it was that the President had completely and conclusively eliminated himself as a presidential possibility and that his nomination by the convention was foreclosed by his attitude. Now, the Senator from Ohio takes the position that the President of the United States in making that supplemental statement has made it in such a way that he can accept the nomination if it shall be tendered to him, and that that statement does not in any wise preclude his acceptance of the nomination.

The point I am trying to make is that if the Senator's interpretation is the correct one, if the Senator from Ohio, following his chastisement at the White House, is in a position officially to interpret the language of the President better than those who have previously placed the interpretation upon it, then I say the second resolve of the resolution should be stricken from it.

If the Senator from Ohio will be so kind as to permit me further to trespass upon his time, I should like to say also that in drawing the resolution, and including the last resolving clause in it to the effect "that the Senate commends observance of this precedent by the President," I accepted the interpretation placed upon the President's supplementary statement of December 6 that most of the political observers, the newspapers, and the public generally placed upon it. I felt that if I offered this resolution without the provision commending the President for his action in the observance of the anti-third-term tradition I would be subject to the charge that I did not take his statement as having been made in good faith, but for the purpose of subterfuge and deceit. Therefore, Mr. President, I included that commendation in the resolution; but if the Senator from Ohio, who I am sure everyone will acknowledge is one whose interpretation of the language of the President should be given great weight and consideration, is correct in his statement, and if that be the proper interpretation of the meaning of the President's language, then clearly the final resolving clause should be stricken from the resolution, for, as the Senator from Ohio has interpreted the President's statement, we would be putting ourselves in the position of commending him for something which he had not done.

Mr. FESS. Mr. President, the Senator from Wisconsin has given his interpretation of the purpose of the resolution. Of course, it is a commendatory resolution; everybody knows that it is meant to do honor to the President. [Laughter.] There is no question about that. I do not want my language misconstrued. I again state that if the convention were to nominate President Coolidge, which is not at all impossible, then anything that has been said by him, so far as I can interpret the English language, would not foreclose his acceptance of the nomination if it were tendered without his seeking it. That is not the President's language; I am speaking for myself. So far as I can learn from what the President says to me, he wants to leave the office on the 4th of March, 1929; he is tired of the office and does not care to be a candidate, and, I might say, has decided not to be a candidate; but as to the question of honor, I can not see that there would be any dishonor in his accepting the nomination if tendered under the circumstances.

Mr. President, when the time comes I shall vote to strike out the second resolving clause.

Mr. WALSH of Massachusetts. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. FESS. I yield.

Mr. WALSH of Massachusetts. The Senator has made a statement which I have heard nobody else in the country make. He tells us that when the President made the statement, as he did on two occasions, it was his opinion that the President did

not have under consideration at all the anti-third-term tradition. I understand that statement to have been made by the Senator from Ohio. Am I correct?

Mr. FESS. Mr. President, let me state it a little differently. I am morally certain that the third-term idea had nothing whatever to do with the President's statement.

Mr. WALSH of Massachusetts. I should like to ask the Senator if the President said anything to him that would lead him to that conclusion?

Mr. FESS. I am not repeating anything that the President said to me, and nobody would ask to quote the President.

Mr. WALSH of Massachusetts. I understood the Senator to make that statement very positively. It is the only time I have ever heard it made by anybody. It is my opinion that the President did have in mind the anti-third-term tradition and that he declined to be a candidate because of that tradition. I think the Senator's statement is not fair to the President.

Mr. FESS. I think if the Senator will make a little investigation he may have that opinion modified.

Mr. REED of Missouri. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. FESS. I yield the floor.

Mr. REED of Missouri. Mr. President, I have listened to this entertaining debate and conversation for an hour or two. I merely desire to make one or two observations. When the Senator from Ohio [Mr. Fess] assumes that the Democratic side of the Chamber is tremendously exercised about the possible candidacy of President Coolidge he is hugging to his breast another of the many delusions he habitually embraces.

I have been conjuring in my mind for the reason why the Senator so persistently keeps before the country the idea that the President will really run to succeed himself, and I am wondering if the Senator is the duly appointed or if he is only the self-anointed John the Baptist of the savior of the Republican Party. [Laughter.]

I followed with great interest a large number of stories in the press of a few months ago attributed to the White House spokesman. We all wondered for a long time who the White House spokesman might be, but about the time inquiry became acute the White House spokesman disappeared from the face of the earth, and the place that knew him once knew him no more. As I have thought of this conversation in the Senate to-day, I have wondered whether the Senator from Ohio is really the White House spokesman on this occasion.

Mr. FESS. Upon no occasion am I the White House spokesman.

Mr. REED of Missouri. Then, I wonder why the Senator speaks so often for the White House and gives us the inner consciousness of the President, even to the extent of saying that the President in his declaration did not at all have in mind the ancient and honored tradition of this country that no man ought to run for a third term.

So far as I can make out from the Senator's discussion, this is what he said: "The President said, 'I do not choose to run,' but the President did not say he would not accept a nomination; and he is as free to accept that nomination to-day as he would have been if he had never made any statement at all." That is to say, all that the President said was a string of ciphers without an integer attached at either end of the string; and all that the President meant was, "I do not inject myself into this campaign, but if you want to nominate me, all right; I will take it."

That is the position in which the President is put by his friend and his confidant! If the President is content with that, well and good; but if the President really meant what he said, after the next interview with the Senator from Ohio there will be no doubt about the Senator's face being flushed.

The Senator tells us that the Democrats are terribly interested in the possible candidacy of the President to succeed himself, and tells us that the President will sweep the country, and that his election is assured. I want to remind the Senator of the old Biblical phrase:

Let not him that girdeth on his harness boast himself as he that putteth it off.

This is a good time to win conventions by word of mouth long in advance of the canvassing of the ballots; but I am wondering why the Senator so persistently insists that the President may be nominated, that the convention will likely enough turn to him in the last analysis. It seems to me that that is the doctrine of despair. The Senator, having surveyed the field, having looked them all over, feels in his heart that the only chance they have to win at all is to get away from the entire bunch, and trusts that they may get away even by accepting the President against his protest.

I protest against that. I protest in the name of the Senator's own colleague [Mr. WILLIS]. I protest in the name of the distinguished leader upon the other side of the Senate [Mr. CURTIS].

Mr. FESS. Will the Senator yield there?

Mr. REED of Missouri. When I get through with the list. I protest in the name of that great English statesman, Mr. Hoover. I protest in the name of that great dirt farmer, Mr. Lowden. I protest in the name of the great Republican Party; for, with all its faults, it really does seem to me that it is not absolutely forced to nominate one man because it has not any other man capable of filling the position.

I yield to the Senator from Ohio.

Mr. FESS. Mr. President, if Ohio can nominate the candidate, he will be an Ohio man.

Mr. ROBINSON of Arkansas. Which one?

Mr. FESS. WILLIS.

Mr. REED of Missouri. I am not so sure; because, while the Senator says that now, he has already announced the doctrine that it is perfectly proper and perfectly honorable for a man to go to a convention pledged to a candidate, selected to nominate him, and then to carry away the prize himself; to sit in the councils of a man, to know all of the machinery that he is employing and all of the influences to which he is appealing in order to gain support, to appear as his champion, and then to turn upon him and take away from him the thing he sought, and take it over to himself.

If that be the Senator's philosophy, then I do not know but that he may appear in the convention loudly proclaiming the virtues and praising the pulchritude of his illustrious colleague, and have all the time in his heart the hope that this despairing convention, in the last throes of its agony, may turn to him, and that he can carry away the nomination. I do not know. I would always have trusted the Senator implicitly until to-day; but after to-day he could never sit in my councils if I were trying to organize a fight, for I would not know but that the next day he would employ every secret he there learned, every plan he there became acquainted with, for his own emolument and his own profit.

I think the Senator does not really mean what he said. I do not think the ordinary ward politician would ever be guilty of going to a convention pledged to a candidate and acting as his manager and then seeking or accepting the nomination himself. I do not think the philosophy taught here to-day is on a level with a very low order of politics. I think it is beneath that level.

As far as the President is concerned, if the "White House spokesman" who has vanished in thin air, or the White House spokesman who appears here to-day, see fit to keep him before the people, it does not concern the Democratic Party much; but it does concern those gentlemen who, upon the strength of it, have thrown their fortunes into the arena and really we have not much interest in that. They are perfectly welcome to fight it out among themselves. But the statement made by the Senator from Ohio to-day demands a decisive answer. One who is so close to the President that he consults with him about his political future, one so distinguished in his party and standing so high among his fellow Senators as does the Senator from Ohio, declares that the President is in no manner bound by anything he said, and that he is as much a receptive candidate as anybody else is a receptive candidate; that is to say, he will take the nomination if you give it to him.

Mr. FESS. I did not say anything of that sort.

Mr. REED of Missouri. The Senator said that in his opinion, if the convention renominated the President, he could accept the nomination with honor.

Mr. FESS. Yes; I said that, and I repeat it.

Mr. REED of Missouri. Now, does the Senator mean to say that he will accept it? Let us have a "yes" or "no" answer to that.

Mr. FESS. I do not know.

Mr. REED of Missouri. The Senator does not know?

Mr. FESS. No.

Mr. REED of Missouri. Very well. Then we have been talking a long time to no purpose.

Mr. HEFLIN. Mr. President, I can not let this opportunity go by without defending the President. President Coolidge needs defense.

He has told us that he does not choose to run. As far as I am concerned, I will excuse him. [Laughter.] The Senator from Ohio [Mr. Fess] has spoken for an hour and a half, and he has conveyed the idea to Senators, and it will go out to the country, that the President might run; that he might be nominated; and that he might accept the nomination.

I think we would put the President in a bad attitude if we should let that kind of an argument influence us here to-day. I

think we ought to vote as nearly unanimously as possible to pass this resolution, and show the President that we accept his statement in good faith; that we do not put the interpretation on his language that the Senator from Ohio does; that we are backing him up, showing him that the Senate by an almost unanimous vote is willing for him to stick to his statement that he does not choose to run.

Why should the Senator from Ohio want to make a man change his mind when he himself says he does not choose to run? The President probably saw that difficulties would arise, even though it was insisted by his friends that he should run. He did not want to go up against the Democratic Party in the next race. I do not know what considerations may have moved him; but something moved him when he was in the far West, when farmers were calling on him from every quarter of that section. He decided one day that he did not choose to run. He announced it to the country. He came back to the Capital. When the national committee of his own party met, he reiterated that he did not choose to run. He never did say that he would not run and that he would not accept the nomination, but he used an old, familiar term that had long been used in New England, "I do not choose to run"; and they tell us that that means "I will not run," and that it means "I would not accept the nomination if tendered me."

There are so many constructions put upon that statement. Let us decide with the President here to-day that he meant that he did not choose to run, and say by this resolution that we do not choose for him to run. [Laughter.] Why not do that, Mr. President?

The Senator from Ohio said that Washington did not have in mind this third-term proposition. He had nothing else in mind; and he did not announce to his countrymen that he did not "choose" to run, or that he "preferred" not to run. He said to them:

It appears to me proper . . . that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

He made it as strong as he could make it. He knew that his act would be looked on as a precedent, and it has been. To this good day this time-honored custom has been observed. Why should not the Senate, the greatest lawmaking body in the world, go upon record as commending the custom Washington set, and which has been observed for 125 years?

Mr. President, I do not want to detain the Senate longer, and will not. I am going to vote for this resolution as it stands.

Mr. MOSES. Mr. President, I want to ask the Senator from Alabama if he intends to conclude his remarks to-day without any comment whatever upon what he knows must have been one element in the President's choice, namely, the certainty that Al Smith would be the Democratic nominee?

Mr. HEFLIN. I could not attend to that subject properly in the time that we have left to-day. [Laughter.]

SHENANDOAH NATIONAL PARK

Mr. NYE. Mr. President, I report back favorably from the Committee on Public Lands and Surveys without amendment Senate bill 2656, to establish a minimum area for the Shenandoah National Park for administration, protection, and general development by the National Park Service, and for other purposes, and I submit a report thereon (No. 278). I ask for the immediate consideration of the bill.

The VICE PRESIDENT. The clerk will read the bill.

The Chief Clerk read as follows:

Be it enacted, etc., That the minimum area for administration, protection, and general development by the National Park Service in the Shenandoah National Park, the establishment of which is provided for by the act of Congress approved May 22, 1926 (44 Stat. 616), be, and the same is hereby, established as 327,000 acres, and so much of the said act of May 22, 1926, as is inconsistent herewith is hereby repealed.

SEC. 2. That the Secretary of the Interior is hereby authorized to lease lands within the Shenandoah National Park and Great Smoky Mountains National Park for periods not exceeding two years, upon such conditions as he may in his discretion deem proper, to persons and educational or religious institutions occupying same or who had or claim to have had some interest in the title to the same prior to the establishment of the park.

Mr. SWANSON. Mr. President, the object of the bill is to reduce the acreage required in the Shenandoah National Park, as provided in the act passed during the last Congress. The act which was passed required a minimum of 521,000 acres. This bill requires a minimum of 327,000 acres. It has been ascertained that in the 525,000 acres contemplated to be acquired

under the former measure, a great deal of valuable land would be included. I am very anxious to see this bill passed, as the Legislature of Virginia is in session and contemplates appropriating a million dollars to purchase the land for the Government.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COOSA RIVER BRIDGE, ALABAMA

Mr. BLACK. Mr. President, on last Monday the Senate passed Senate bill 2257, providing for the building of a bridge over the Coosa River. There has now come over from the House an identical bill—House bill 7902—which is before the Committee on Commerce. In order to obviate duplication, and to get quick action, I move that the Committee on Commerce be discharged from the further consideration of House bill 7902, when I shall ask that the Senate proceed to its consideration. It is a bill (H. R. 7902) granting the consent of Congress to the State Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Wetumpka, Elmore County, Ala.

The motion was agreed to; and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUMMI INDIAN RESERVATION ROAD

Mr. JONES of Washington. Mr. President, from the Committee on Indian Affairs I report favorably without amendment Senate bill 1478, to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash., and I submit a report thereon (No. 279). I ask for immediate consideration of the bill. It is a local measure.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That not to exceed the sum of \$20,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the completion and graveling of the road which has been partially constructed by Whatcom County across Lummi Indian Reservation, in the State of Washington, to be expended under such rules and regulations as the Secretary of the Interior may prescribe: *Provided,* That the proper authorities of the State of Washington or the county of Whatcom shall agree to maintain such road free of expense to the United States.

Mr. JONES. The bill is approved by the department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OHIO RIVER BRIDGE

Mr. SACKETT. I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of House bill 473, granting the consent of Congress to the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River. A Senate bill identical in form has passed the Senate, and I want the Senate to act on this House bill.

There being no objection, the Committee on Commerce was discharged from the further consideration of the bill, and the Senate, as in Committee of the Whole, proceeded to consider it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION—RECESS

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock and 55 minutes p. m.) took a recess until tomorrow, Friday, February 10, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 9, 1928

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

FIELD ARTILLERY

First Lieut. William Jackson Morton, jr., Signal Corps, with rank from December 14, 1927.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Benjamin Robert Wade, Infantry, from February 2, 1928.

To be lieutenant colonels

Maj. Lucian Barclay Moody, Ordnance Department, from February 2, 1928.

Maj. Paul Delmont Bunker, Coast Artillery Corps, from February 2, 1928.

To be majors

Capt. John Andrew Weeks, Cavalry, from February 2, 1928.

Capt. Robert Lincoln Christian, Infantry, from February 2, 1928.

To be captains

First Lieut. Robert Artel Case, Infantry, from February 1, 1928.

First Lieut. John Russell Deane, Infantry, from February 2, 1928.

First Lieut. Richard Zeigler Crane, Ordnance Department, from February 2, 1928.

First Lieut. Paul Carson Febiger, Cavalry, from February 7, 1928.

First Lieut. Leslie Walter Jefferson, Coast Artillery Corps, from February 7, 1928.

To be first lieutenants

Second Lieut. Wallace Evan Whitson, Air Corps, from February 1, 1928.

Second Lieut. Lloyd Shepard, Coast Artillery Corps, from February 2, 1928.

Second Lieut. Rex Eugene Chandler, Field Artillery, from February 2, 1928.

Second Lieut. Russel J. Minty, Air Corps, from February 4, 1928.

Second Lieut. Sheffield Edwards, Field Artillery, from February 7, 1928.

Second Lieut. John Roper Burnett, Coast Artillery Corps, from February 7, 1928.

DENTAL CORPS

To be colonel

Lieut. Col. George Harry Casaday, Dental Corps, from February 3, 1928.

VETERINARY CORPS

To be colonel

Lieut. Col. William Proctor Hill, Veterinary Corps, from February 4, 1928.

To be first lieutenant

Second Lieut. Ernest Eugene Hodgson, Veterinary Corps, from February 2, 1928.

APPOINTMENTS IN THE REGULAR ARMY

GENERAL OFFICERS

To be major general

Brig. Gen. George LeRoy Irwin from March 6, 1928, vice Maj. Gen. Joseph D. Leitch, to be retired from active service March 5, 1928.

To be brigadier general

Col. Frank Crandall Bolles, Infantry, vice Brig. Gen. George L. Irwin, nominated for appointment as major general.

PROMOTIONS IN THE NAVY

MARINE CORPS

Marine Gunner Michael Wodarczyk to be a chief marine gunner in the Marine Corps, to rank with but after second lieutenant, from the 19th day of August, 1927.

Quartermaster Clerk Harry Halladay to be a chief quartermaster clerk in the Marine Corps, to rank with but after second lieutenant, from the 10th day of June, 1928.

Quartermaster Clerk Walter E. Yaecker to be a chief quartermaster clerk in the Marine Corps, to rank with but after second lieutenant, from the 11th day of February, 1927.

Quartermaster Clerk Charles Wiedemann to be a chief quartermaster clerk in the Marine Corps, to rank with but after second lieutenant, from the 18th day of August, 1927.

Quartermaster Clerk Amos E. Potts to be a chief quartermaster clerk in the Marine Corps, to rank with but after second lieutenant, from the 19th day of August, 1927.

Quartermaster Clerk William J. Cahill to be a chief quartermaster clerk in the Marine Corps, to rank with but after second lieutenant, from the 27th day of August, 1927.

Quartermaster Clerk Joseph R. Morris to be a chief quartermaster clerk in the Marine Corps, to rank with but after second lieutenant, from the 29th day of August, 1927.

Pay Clerk Frealigh R. Powers to be a chief pay clerk in the Marine Corps, to rank with but after second lieutenant, from the 10th day of August, 1927.

Pay Clerk Edward J. Donnelly, jr., to be a chief pay clerk in the Marine Corps, to rank with but after second lieutenant, from the 10th day of August, 1927.

Pay Clerk Allen A. Zarracina to be a chief pay clerk in the Marine Corps, to rank with but after second lieutenant, from the 10th day of August, 1927.

Pay Clerk John D. Erwin to be a chief pay clerk in the Marine Corps, to rank with but after second lieutenant, from the 10th day of August, 1927.

Pay Clerk Frank H. O'Neill to be a chief pay clerk in the Marine Corps, to rank with but after second lieutenant, from the 10th day of August, 1927.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 9, 1928

FOREIGN SERVICE

To be secretaries, Diplomatic Service

Mahlon Fay Perkins.

McCeney Werlich.

POSTMASTERS

ALABAMA

Elmer L. Klick, Sheffield.

Minnie L. Garrett, Uriah.

Emma Rippetoe, Vredenburgh.

CALIFORNIA

Hannah C. Dybo, Baypoint.

COLORADO

Zina N. Cleveland, Julesburg.

FLORIDA

Julius H. Trente, Groveland.

ILLINOIS

Guilford M. Humphrey, Beardstown.

NEBRASKA

Daniel C. Leach, Bayard.

Georgia Muirhead, Hemingford.

Leona V. Snyder, Papillion.

Carl H. Olderog, Springfield.

Louis J. Bouchal, Wilber.

NEW JERSEY

John H. Tyrrell, Perth Amboy.

Nathaniel S. Hires, Salem.

NORTH CAROLINA

Jacob M. Stancil, Kenly.

Nora Stedman, Moncure.

Nannie M. Moore, Warrenton.

VIRGINIA

Noah Markey, Beaverdam.

Roscoe C. Travis, Bowling Green.

James A. Riddel, Bridgewater.

Francis C. Fitzhugh, Cape Charles.

Hugh T. Arwood, Disputanta.

James M. Nunn, East Radford.

Mary P. Leftwich, Forest.

Charles A. Hammer, Harrisonburg.

William R. Rogers, Hilton Village.

Susan B. Lewis, Hopkins.

Frank D. Paul, Leesburg.

Rodney F. Woodward, Marshall.

Charles P. Smith, jr., Martinsville.

Oswell H. Hopkins, Narrows.

Roger G. Dyson, North Emporia.

Mary E. Spratt, Richlands.

Bessie H. Moon, Saxe.

Joseph B. Jones, Smithfield.

Gilbert F. Stiles, Wachapreague.

John B. Grayson, Warrenton.

William M. Chamberlain, Waverly.

Benjamin A. Dratt, Woodford.

WYOMING

Johan O. Hedemann, Columbine.

HOUSE OF REPRESENTATIVES

THURSDAY, February 9, 1928

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who hast created us wilt not leave us alone. Thou dost understand our possibilities, and we ask Thee to help us make the best use of ourselves. Surely Thou wilt watch over us until all Thy promises are fulfilled. Purify every desire, cleanse every motive, and deliver us from the throes of weakness and sin. O sin, the monster—how it hurts him who cherishes it as well as the one against whom it rages! Clear the way and make firm and steadfast our footsteps that we may prove ourselves worthy of Thy daily providential care. Keep our minds free from evil and our hearts from guile, and may we indulge ourselves in the great hope that righteousness is destined to cover the wide earth even as the waters cover the seas. When the curtain of the day is drawn may we have no regrets, but peace, sweet peace, the gladdest and the happiest possession of earth. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed a bill and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2996. An act to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the achievements of Col. Charles A. Lindbergh;

S. J. Res. 5. Joint resolution to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas; and

S. J. Res. 62. Joint resolution providing for the cooperation of the United States in the Pacific Southwest Exposition in commemoration of the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 278) entitled "An act to amend section 5 of the act entitled 'An act to provide for the construction of certain public buildings, and for other purposes,' approved May 25, 1926."

The message also announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 7013. An act authorizing and directing the Secretary of War to lend to the Governor of Arkansas 5,000 canvas cots, 10,000 blankets, 10,000 bed sheets, 5,000 pillows, 5,000 pillowcases, and 5,000 mattresses or bed sacks, to be used at the encampment of the United Confederate Veterans to be held at Little Rock, Ark., in May, 1928.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 9136) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes," disagreed to by the House of Representatives, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMOOT, Mr. CURTIS, and Mr. HARRIS to be the conferees on the part of the Senate.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 5583. An act granting the consent of Congress to the Kansas City, Mexico & Orient Railway Co. of Texas and the Kansas City, Mexico & Orient Railway Co. to construct, maintain, and operate a railroad bridge across the Rio Grande River, at or near Presidio, Tex.;

H. R. 6099. An act granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain between Crown Point, N. Y., and Chimney Point, Vt.; and

H. R. 10636. An act to make an additional appropriation for the water boundary, United States and Mexico.

SENATE BILL AND JOINT RESOLUTIONS REFERRED

A bill and joint resolutions of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 2996. An act to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions

commemorative of the achievements of Col. Charles A. Lindbergh; to the Committee on Coinage, Weights, and Measures.

S. J. Res. 5. Joint resolution to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas; to the Committee on Immigration and Naturalization.

S. J. Res. 62. Joint resolution providing for the cooperation of the United States in the Pacific Southwest Exposition in commemoration of the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port; to the Committee on Ways and Means.

JOINT RESOLUTION AND BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval a joint resolution and bills of the House of the following titles:

H. J. Res. 104. Joint resolution granting consent of Congress to an agreement or compact entered into between the State of New York and the State of Vermont for the creation of the Lake Champlain bridge commission and to construct, maintain, and operate a highway bridge across Lake Champlain;

H. R. 108. An act granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North;

H. R. 164. An act to authorize appropriations for construction at the Pacific Branch, Soldiers' Home, Los Angeles County, Calif., and for other purposes;

H. R. 172. An act to authorize the Secretary of War to grant and convey to the city of Vancouver a perpetual easement for public highway purposes over and upon a portion of the Vancouver Barracks Military Reservation, in the State of Washington;

H. R. 193. An act to extend the time for commencing and completing the construction of a bridge across the Mississippi River, at or near the village of Clearwater, Minn.;

H. R. 194. An act granting the consent of Congress to the county of Morrison, State of Minnesota, to construct, maintain, and operate a bridge across the Mississippi River at or near Little Falls, Minn.;

H. R. 199. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River at or near Monticello, Wright County, Minn.;

H. R. 319. An act to legalize a bridge across the Snake River at Idaho Falls, Idaho;

H. R. 444. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Wolf Point, Mont.;

H. R. 495. An act granting the consent of Congress to the county of Armstrong, a county of the State of Pennsylvania, to construct, maintain, and operate a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania;

H. R. 766. An act for the relief of Ida F. Baum;

H. R. 1405. An act granting six months' pay to Maria J. McShane;

H. R. 2138. An act for the relief of the owner of the schooner *Sentinel*;

H. R. 2145. An act for the relief of Albert J. Zyvolski;

H. R. 3400. An act to correct the military record of Andrew B. Ritter;

H. R. 4127. An act for the relief of Joel T. Smith;

H. R. 4393. An act for the relief of Howard V. Sloan;

H. R. 4707. An act for the relief of Calvin H. Burkhead;

H. R. 4777. An act to compensate Robert F. Yeaman for the loss of certain carpenter tools, which was incurred by reason of a fire in the Government area at Old Hickory Ordnance Depot;

H. R. 4995. An act for the relief of Sabino Apodaca;

H. R. 5228. An act for the relief of Finas M. Williams;

H. R. 5300. An act for the relief of Lewis H. Francke and Blanche F. Shelley, sole legal heirs of Ralph K. Warrington;

H. R. 5510. An act granting the consent of Congress to the city of Duluth, Minn., to construct, maintain, and operate a bridge across the Duluth Ship Canal;

H. R. 5583. An act granting the consent of Congress to the Kansas City, Mexico & Orient Railway Co. of Texas and the Kansas City, Mexico & Orient Railway Co. to construct, maintain, and operate a railroad bridge across the Rio Grande River at or near Presidio, Tex.;

H. R. 5628. An act to extend the time for commencing and the time for completing the construction of a bridge across the Potomac River;

H. R. 5638. An act granting the consent of Congress to rebuild and reconstruct and to maintain and operate the existing rail-

road bridge across the Tombigbee River, at Epes, in the State of Alabama;

H. R. 5744. An act granting the consent of Congress for the reconstruction of a bridge across the Grand Calumet River at East Chicago, Ind.;

H. R. 5994. An act for the relief of George C. Hussey;

H. R. 6041. An act granting the consent of Congress to the Pennsylvania Railroad Co. to construct, maintain, and operate a railroad bridge across the Allegheny River;

H. R. 6045. An act granting the consent of Congress to the commissioners of Mahoning County, Ohio, to reconstruct, maintain, and operate the existing bridge across the Mahoning River at South Avenue, Youngstown, Mahoning County, Ohio;

H. R. 6046. An act granting the consent of Congress to the city of Youngstown to construct a bridge across the Mahoning River at or near West Avenue, Youngstown, Mahoning County, Ohio;

H. R. 6099. An act granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain between Crown Point, N. Y., and Chimney Point, Vt.;

H. R. 6162. An act for the relief of Thomas M. Ross;

H. R. 6466. An act granting a part of the Federal building site at Phoenix, Ariz., to the city of Phoenix for street purposes;

H. R. 6479. An act to extend the times for commencing and completing the construction of a bridge across the Susquehanna River between the Borough of Wrightsville, in York County, Pa., and the Borough of Columbia, in Lancaster County, Pa.;

H. R. 6483. An act granting the consent of Congress to the State of Illinois, the county of Lee, and the city of Dixon, or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Rock River at Dixon, Ill.;

H. R. 6512. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Wentworth Avenue, in Cook County, State of Illinois;

H. R. 6513. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois;

H. R. 6514. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Indiana Avenue, in Cook County, State of Illinois;

H. R. 6958. An act granting the consent of Congress to the city of Youngstown to construct a bridge across the Mahoning River at Youngstown, Mahoning County, Ohio;

H. R. 6959. An act to legalize a bridge across the Caney Fork River in De Kalb County, Tenn.;

H. R. 7192. An act to extend the time for commencing and completing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa.;

H. R. 7370. An act granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Indian Cove, Idaho;

H. R. 7374. An act granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Swan Valley, Idaho;

H. R. 7466. An act granting the consent of Congress to the State of Montana, Valley County, Mont., and McCone County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont.;

H. R. 7745. An act granting the consent of Congress to the Chicago & Northwestern Railway Co., a corporation, its successors and assigns, to construct, maintain, and operate a railroad bridge across the Rock River;

H. R. 7913. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across Elk River on the Athens-Florence road, between Lauderdale and Limestone Counties, Ala.;

H. R. 8092. An act for the relief of Randolph Sias;

H. R. 8369. An act for the relief of Josephine Thibodeaux;

H. R. 8889. An act for the relief of Adriano Cruceta, a citizen of the Dominican Republic; and

H. R. 10636. An act to make an additional appropriation for the water boundary, United States and Mexico.

TERMS OF PRESIDENT, VICE PRESIDENT, ETC.

Mr. SNELL, chairman of the Committee on Rules, reported the following rule for printing in the Record:

House Resolution 112

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Concurrent Resolution 18, proposing an amendment to the Constitution. That after general debate, which shall be confined to the House concurrent resolution and shall continue not to exceed five hours, to be equally divided and controlled by those favoring and opposing the House concurrent resolution, the House concurrent resolution shall be read for amendment under the five-minute rule. At the conclusion of the reading of the House concurrent resolution for amendment, the committee shall rise and report the House concurrent resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the House concurrent resolution and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, I would like to make a short announcement. This resolution for the consideration of House Concurrent Resolution 18 provides five hours of general debate, but if it develops during the discussion of resolution that we need more time we will ask to have the rule amended and give more time. We appreciate this is a most important matter, and we want the House to have ample time to discuss it freely and fully from all sides.

I have been asked when the rule will probably be called up. I may say I will give the House, as near as possible, a week's notice before it is called up. I do not believe it will be called up next week on account of some other matters that will interfere and as several Members have requested that it be put over to a later date.

Mr. HASTINGS. What is the resolution about?

Mr. SNELL. It is a resolution providing for the consideration of the White-Norris constitutional amendment.

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to address the House for eight minutes on the subject of submarines.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

Mr. McDUFFIE. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. Evidently there is not a quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 27]

Ackerman	Douglas, Ariz.	Johnson, S. Dak.	Purnell
Adkins	Doyle	Kendall	Quayle
Anthony	Roy G. Fitzgerald	Kindred	Reed, Ark.
Auf der Heide	Foss	Kunz	Robison, Ky.
Beck, Pa.	French	Larsen	Romjue
Begg	Gallivan	Leatherwood	Sanders, N. Y.
Bell	Gilbert	Leibach	Sirovich
Bohn	Glynn	Linthicum	Stegall
Boles	Graham	Maas	Strong, Pa.
Britten	Griffin	Mead	Strother
Burdick	Haugen	Michaelson	Sullivan
Campbell	Hickey	Monast	Taylor, Tenn.
Celler	Hogg	Morrow	Tucker
Clancy	Houston	Norton, N. J.	Updike
Connolly, Pa.	Howard, Okla.	O'Connell	Weller
Cooper, Ohio	Hughes	O'Connor, N. Y.	White, Me.
Curry	Hull, Tenn.	Parks	Williamson
Davey	Igoe	Porter	Wingo
Dickstein	Jacobstein	Pral	Winter

The SPEAKER. Three hundred and fifty-six Members have answered to their names, a quorum.

On motion of Mr. TILSON, further proceedings under the call were dispensed with.

COMPLETION AND REPAIR OF CUSTOMS BUILDINGS IN PORTO RICO

Mr. KIESS. Mr. Speaker, I ask unanimous consent that the bill (H. R. 3363) to provide for the completion and repair of customs buildings in Porto Rico be rereferred from the Committee on Ways and Means to the Committee on Insular Affairs.

The Clerk read the title of the bill.

Mr. GREEN of Iowa. Mr. Speaker, reserving the right to object, and I shall not object, this bill pertains merely to the affairs of the people of Porto Rico. The construction of these buildings is to be paid out of the revenues of Porto Rico and has nothing to do with continental United States. While the bill technically may be within the jurisdiction of the Ways and Means Committee, I shall not object, with the understanding that the rereference is without prejudice, to which I understand the gentleman from Pennsylvania consents.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the bill just reported be rereferred from the Committee on Ways and Means to the Committee on Insular Affairs. Is there objection?

There was no objection.

RELIEF OF CERTAIN PORTO RICAN TAXPAYERS

Mr. KIESS. Mr. Speaker, I ask unanimous consent that the bill (S. 754) for the relief of certain Porto Rican taxpayers be rereferred from the Committee on Ways and Means to the Committee on Insular Affairs.

Mr. GREEN of Iowa. Mr. Speaker, I reserve the right to object simply for the purpose of stating the situation. This bill also pertains entirely to the affairs of the people of Porto Rico. It is an amendment of an act originally passed upon by the Committee on Insular Affairs. I have consulted with members of the committee on both sides of the House and there seems to be no objection to this rereference, with the same understanding as was had with respect to the other bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SUBMARINES

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a short editorial on submarines from the Washington Post.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The editorial is as follows:

SUBMARINES IN SEA LANES

It may be necessary for Congress to prohibit the maneuvering of undersea boats in commercial lanes. There are hundreds of miles of water space within easy reach of the coasts that are free at all times from commercial traffic, in which submarine tests could be made with safety.

The location of the appalling accident to the *S-4*, which has resulted in destroying the lives of two score or more officers and men, is in a narrow channel constantly traversed by merchant ships and in the course of vessels of the Coast Guard.

There is no way in which a surface vessel can locate an undersea boat except when the submarine shows her periscope or conning tower. In the case of the *S-4* it appears that the commander of the *Paulding* had no knowledge whatever of the fact that a submarine was anywhere in the vicinity, and it was only when her conning tower appeared above the surface that her presence was even suspected. Then it was too late. The collision was inevitable. No seaman, however expert, can change his course or stop the headway of his ship within a distance less than the length of his hull.

In such circumstances the accident which has brought sorrow to so many homes is reported as "unavoidable." But it could have been prevented if the naval authorities had taken the precaution to direct the commanders of undersea boats to refrain from submerging their vessels near the coast, and especially within commercial lanes in the vicinity of ports.

It is time that steps were taken to stop this unnecessary loss of life. If the naval authorities do not have common sense enough to order submarine tests in unoccupied waters, Congress should direct them to do so.

Mr. McCLINTIC. Mr. Speaker and gentlemen of the House, I shall try to conclude my remarks as quickly as possible, as I understand that the river and harbor amendment comes up immediately after I conclude. I sought this opportunity this morning to make a short address for the purpose of bringing to the attention of the House a very significant statement that I have just received in the way of a letter referring to submarines. Simon Lake, who is given credit for the invention of the submarine, who lives at Milford, Conn., has written me a letter in which he makes the statement that some time ago while at Provincetown, Mass., he was told by certain of those who participated in the rescue of the *S-4* that if they had had on this ship the new appliances he had put on other submarines built for other nations that the 38 or 40 of those who lost their lives could have been rescued in one hour. I ask that the Clerk read the letter in my time.

The Clerk read as follows:

From the evidence so far attained the loss of the *S-4* was due to no fault in the boat itself. It was due to a collision at sea, and since then several other surface ships have been sunk by collision and collisions are going on between surface ships at the rate of several per day, as maritime statistics show, frequently accompanied by very large loss of life. Such losses are so frequent as to be commonplace, and only attract a brief notice in the press; but because those men were not drowned at once, as practically always occurs when surface ships sink with their crews and passengers entrapped, the whole world became

interested in the possibility of their rescue. The fact that some of these men were alive for days is to my mind a proof that the submarine is safer than the surface ships. In no other type of ship could men survive 100 feet under water for days. It is unfortunate that the *S-4* was not fitted with certain safety features, similar to which were installed in the boats I built for foreign governments some years ago. Had these features been installed on the *S-4* I believe, from the information given me by some of the officers in the rescue fleet at Provincetown on a recent visit there, that at least 38 of the 40 men could have been rescued within an hour after the *S-4* was sunk.

Mr. McCLINTIC. Mr. Speaker and gentlemen of the House, that is one of the most startling statements I have ever heard with respect to submarines in the Navy for the reason certain naval officers have denied that any new devices with merit have been submitted to the Navy.

Mr. MADDEN. Will the gentleman yield?

Mr. McCLINTIC. I will.

Mr. MADDEN. I want to ask the gentleman who wrote the letter?

Mr. McCLINTIC. Simon Lake, the inventor of submarines. This letter shows that this inventor has supplied new safety appliances to other nations of the world in the construction of submarines. This means that he has been building submarines for other Governments and that our Navy has not seen fit to adopt his suggestions. It means by inference that the United States Navy has not considered his suggestions as being necessary, yet foreign nations have adopted these new appliances for safety. It seems to me if we had the right person at the head of this department in our Navy that our submarines would have been fitted with new safety appliances, and that the *SS*, if not all of those who lost their lives in the disaster, might have been saved.

Mr. Speaker, a report has been given out by the press that the special committee of naval officers appointed by the Navy has held its hearing and made its report, but that this report has not been given to the public, and the Secretary of the Navy makes the statement that he does not know when it will be given to the public. I want to say to you here and now that if this committee that has made the special investigation has not consulted men with the same qualifications as Simon Lake, the inventor of submarines, and has not considered who was responsible for not providing safety devices, and has not ascertained whether new ideas along that line have been submitted to the Navy from time to time—I say now that their report will be nothing more and nothing less than a whitewash of the Navy.

Everyone knows that when a committee of this kind is appointed it is its duty to go into every phase of the situation, and the point uppermost in the minds of the American people to-day is why did not the Navy and those charged with the responsibility require the kind of safety devices that were then known, as testified to by Mr. Lake in his letter, which would have brought about the rescue when the accident occurred?

I say to you the time has come for us to take some action in a matter of this kind. I suggested some time ago, and introduced a bill that called for a survey of conditions in southern waters for the relocation of a base to be used in the training of submarine crews. Everyone knows that our submarine training activities should be taken out of the ship-travel lanes and be put at some place where they would not be subject to disasters like the one that sunk the *S-4*. Southern waters are warm and much clearer; therefore something should be done at once in this connection.

I do not know whether it is going to be possible to get a resolution passed along this line or not, but I do say that if another such accident occurs in the travel lanes of the ocean whereby 40 or 50 men are sent to their death in a submarine accident, then there will be those in the Nation who will feel that the Secretary of the Navy ought to be prosecuted criminally—and he ought to be summarily removed if he does not attend to this work in a proper manner. [Applause.]

Mr. MANSFIELD. Will the gentleman yield?

Mr. McCLINTIC. I will.

Mr. MANSFIELD. Can the gentleman tell us what other naval powers have done in the way of providing safety devices?

Mr. McCLINTIC. I am glad the gentleman from Texas has asked that question. I have a statement of a German sailor who was in a German submarine lost at the bottom of the sea for a day or so; afterwards it was located, and this ship was raised in sufficient time to effect the rescue of all of those in the ship.

SAYS GERMAN DEVICE COULD HAVE RAISED "*S-4*"—FORMER GUNNER'S MATE IN KAISER'S NAVY HELPED BUILD SUCCESSFUL SALVAGE CRAFT

In Germany a marine device which would have raised the sunken *S-4* from the bottom of Provincetown Harbor probably within 48 hours

under the most adverse conditions and would have made possible the saving of her crew of 40 men, was built and used successfully more than 10 years ago, according to Ernest Hermann Hagemann, now of Hartford, and during the World War artilleristen maat (gunner's mate), in the German Navy.

The craft, designed and built for the Government at Wilhelmshaven, Prussia, a large naval base, in 1917, was basically two separate ships with specially constructed hulls joined together by rigid steel beams in such a way that there was space enough between them to allow the floating of undersea boats of the size and type in use at that time. A giant crane was mounted between the two vessels equipped with lifting machinery powerful enough to bring sunken craft to the surface even if partly filled with water.

According to Mr. Hagemann's story, after he had gone through a harrowing experience in a disabled submarine at the bottom of the North Sea, and subsequently had been declared unfit for undersea service, he was transferred to the engineering branch of the navy as an assistant draftsman late in 1916.

Shortly after that, with a number of naval architects and engineers, he was sent to the shipyards of the firm of Blum & Foss, at Wilhelmshaven, where the "submarine lift boat" was to be built.

The first type which was evolved was similar to a second one built later in the year, after a period of experiment, except that it had three arched cranes for lifting instead of one. Each of the two halves of the lift boat was completely fitted out as though it were a separate ship, Mr. Hagemann continues. In addition, there was on each vessel the machinery and air pumps necessary for diving. The contrivance was approximately 18 meters (59 feet) long and of about 1,500 gross tons.

EQUIPPED WITH HOOKS

After this idea had been worked out all submarines were equipped with properly mounted hooks, to which divers could attach the steel cables for lifting. In practice and experimental work the submarines could be raised sometimes in an hour, sometimes two or three.

The first time the lift boat was called out for actual use Mr. Hagemann and the other draftsmen and engineers who had worked on her and on the first one which was built were aboard. It was late in 1917.

A school submarine from the Heligoland base, with a double crew on board, had submerged and failed to come up some distance out from the island. In the meantime, according to Mr. Hagemann, a storm came up and after it had to some extent abated the sunken submarine was found lying on a sandbar about 35 feet under water. In all she was on the bottom 36 hours, but only a few hours were required to bring her to the surface once the lift boat commenced operations, and her crew was saved.

During the years he served in the navy, Mr. Hagemann said, there were a number of other cases where the lift boat was able to rescue sunken and disabled submarines without loss of life among their crews. At the time of the sinking of the *S-51* in Block Island Sound, two years ago, he said, he was surprised that no such device had been evolved by the United States Navy, and was doubly so when the sinking of the *S-4* brought to light the fact that none has since been developed.

Mr. Hagemann came to Hartford four and a half years ago from Germany because of the postwar economic depression. He is now a cabinetmaker in the employ of the L. F. Dettenborn Woodworking Co. He was born in Wilhelmshaven in 1891. Following his graduation from "real gymnasium," similar to the American trade school, he joined the navy and during the war served in a number of important naval engagements.

In 1916, after he had been for some years stationed at the Heligoland naval base, he was ordered to Kiel, where he took a course in the submarine school for six weeks. Immediately after this he was assigned to the *U-67*.

I want to put this statement in the RECORD for the reason that this German boy sent me a telegram and offered to come to Washington if his expenses were paid and tell this Government how this German rescue ship was constructed.

The SPEAKER. The time of the gentleman from Oklahoma has expired. [Applause.]

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

The SPEAKER laid before the House the following communication:

IN THE SENATE OF THE UNITED STATES,
February 8, 1923.

Ordered, That the House of Representatives be respectfully requested to return to the Senate the message of the Senate announcing its agreement to the amendment of the House of Representatives to the bill (S. 700) entitled "An act authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes."

Attest:

(Signed) EDWIN P. THAYER, Secretary.

The SPEAKER. Without objection, the request will be complied with.

Mr. ARENTZ. Mr. Speaker, reserving the right to object, I received a communication in my mail this morning from the American Indian Defense Association, and it was stated in that communication that "Senate bill 700 has been recalled from the House and a motion to reconsider it is pending in the Senate." Apparently this association has given its orders. The Senate is asking for the recall of this legislation introduced by Representative MORROW, of New Mexico.

Has any Member of this body or the body at the other end of the Capitol such power? Could any of us dictate the policy of this House in the manner of this association?

Whether they are right or wrong in this instance no individual, no group of men or women, no association should be able to force their opinions or policies down the throats of any Member, and God forbid that the weight of their influence should be felt in any committee of either House or Senate.

The Morrow bill was thoroughly discussed in the Committee on Indian Affairs of the House. Mr. Collier, secretary of this association, sat in on these hearings; Mr. CRAMTON offered his amendment and was heard by this committee. It is true that his amendment was not accepted in toto, but it was accepted by Mr. MORROW and by the Committee of the Whole when offered by Mr. CRAMTON from the floor.

Mr. Speaker and Members of the House, I have felt the full force of the tyrannous action of this association and of the Indian Rights Association in my endeavor to deal justice alike to Indians and whites on the Walker River in my beloved State of Nevada. Here the Paiute Indians live on the Walker River Indian Reservation, where they were driven by United States soldiers in 1859. They have not tilled the self-same soil since the time of Christ, as it is reported the tribes of Cochiti, Santo Domingo, and San Felipe have upon the Middle Rio Grande Valley.

The Walker River Indians learned to till the soil from the white settlers and did not commence the growing of crops on the reservation until 1871. The whites commenced in 1859. They stepped out of the covered wagon into their cabin. They filed on the water of the stream and put it to beneficial use and now have under cultivation over 100,000 acres.

The Indians have 2,023 acres under cultivation. Their primary water right only covers this acreage. I have always insisted that the Indians are entitled to this acreage of primary water rights. The Indian Rights Association have insisted that this right must be doubled. This is unfair. Where these people who are so solicitous in the interest of the Indian have in this instance coerced Congress, in the case of the Walker River, they have, I am forced to believe, browbeaten some officials of the Indian Bureau into accepting their views of the Walker River matter.

I am kindly disposed toward all American Indians. To them I always want to extend a helping hand, to be fair and just, to give them the benefit of the doubt on questionable matters, and at the same time to treat my white brethren with equal justice and to always bear in mind that in the eyes of our Government the white man should be looked on with equal favor as the Indian.

Mr. MORROW. Mr. Speaker, I perhaps would be the one Member in the House that might raise an objection to this message being sent back to the Senate, but having taken part in the legislation, knowing it to be in the interest of the Indians and to be vitally in the interest of my State, if there is any further investigation needed, I take pleasure in withdrawing my objection to its being sent back to the Senate.

The SPEAKER. Is there objection?

There was no objection.

WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the War Department appropriation bill, with Mr. TILSON in the chair.

The Clerk reported the title of the bill.

The Clerk read as follows:

RIVERS AND HARBORS

To be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers:

Mr. SEARS of Florida. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 78, after line 16, insert a new paragraph, as follows:

"Harbor improvements: To pay the city of Miami, out of any funds available in the Treasury not otherwise appropriated, for part reimbursement of the \$1,605,000 advanced or loaned to the Government by said city for the improvement of Miami Harbor, as provided under the river and harbor act passed March 3, 1923, in accordance with House Document 516, the sum of \$605,000."

Mr. BARBOUR. Mr. Chairman, on that I reserve the point of order.

Mr. SEARS of Florida. Mr. Chairman, it is, indeed, unfortunate that my good friend and colleague from California [Mr. BARBOUR] is the chairman of this subcommittee. There is no man in this House for whom I have a higher esteem. Some years ago there was a good deal of friction between California and Florida, but joining with them in their fights for relief, and they joining with me, that friction has been swept aside. I do not believe that I am overstating it when I say that if the chairman of the subcommittee were at liberty to do so, he would support my amendment.

I want the attention of this House because I feel that I have a meritorious cause, and I know that I have a meritorious amendment. The facts of the case are as follows:

In 1925 under the river and harbor act, as my colleagues will recall, there was authorized for the deepening of Miami Harbor 25 feet, the sum of \$1,605,000. On page 14, section 11, of that bill is found the following proviso:

That whenever local interests shall offer to advance funds for the prosecution of a work of river and harbor improvement, duly adopted and authorized by law, the Secretary of War may, in his discretion, receive such funds and expend the same in the immediate prosecution of such work. The Secretary of War is hereby authorized and directed to pay, without interest, from appropriations which may be provided by Congress for river and harbor improvement, the money so contributed and expended.

In January, 1926, Miami, Fla., put up \$500,000. Due to a local fight, nothing could be done. The local fight was on the turning basin and the kind of docks that they would have, so the Government had \$500,000 of our money for more than 12 months without spending a dollar of it. In September, 1926, Miami put up the balance of the fund, making it \$1,605,000 on which she is paying 5½ per cent interest. A few weeks after we deposited that fund the hurricane struck Miami, and the city had to spend hundreds of thousands of dollars in clearing her streets, removing the debris, reconditioning the sewerage, and if I paint too sorrowful a picture, I am sure that my friends Congressmen FREEMAN, of Connecticut, CHALMERS and MORGAN, of Ohio, STRONG of Pennsylvania, CARTER and SWING, of California, LYON, of North Carolina, McDUFFIE, of Alabama, and DEAL, of Virginia, who went down there and saw the destruction that was visited on the good people, will say so or that the picture could not be overdrawn.

Facing that condition and with a loss of \$78,000,000 in the storm section, Miami now comes to you and asks you to give back to her, not an appropriation, but the money that she advanced to you in good faith. If it were a foreign country like Japan, for whom you voted a million dollars, perchance it would pass without opposition. But, unfortunately, I am appealing to you for your own people; that they may be given the relief they are entitled to. On June 5 of this year—my colleagues, listen to this—those bonds mature, and unless you give this relief Miami will have to reissue bonds and will have to pay between \$50,000 and \$60,000 additional interest, brokerage, printing, and so forth.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SEARS of Florida. May I have five minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SEARS of Florida. I say to you that when a city or a municipality is hit so hard by an act of Providence, and by law can only assess a certain millage, and they can only raise a certain amount of taxes, you, my colleagues, will realize the importance of the proposition and give back to Miami her money in order that she may take up those bonds on the 5th day of June of this year and not compel them to pay between \$50,000 and \$60,000 additional.

Then I want to call your attention to these facts: Miami has expended on that harbor \$3,596,373.85. The Government of the United States has spent on that harbor \$2,956,000. Miami will have expended, when you shall have returned to her the \$605,000, nearly as much as the Government has expended on the harbor.

My colleagues put it in the law that we had to construct the channel, and my friend from Connecticut [Mr. FREEMAN] went over it and saw it. We had to dig the channel across the bay to a depth of 15 feet in order to get our first appropriation. I do not believe that when a city has expended nearly \$4,000,000 of her own money and then advanced to the Government \$1,605,000 to complete the harbor, you should refuse to give back to her now her money in order that she may meet her obligations.

Mr. SNELL. Mr. Chairman, will the gentleman yield?
Mr. SEARS of Florida. Yes.

Mr. SNELL. May I ask the gentleman if this money was not spent originally at the request of the people of Miami? Did she not want to get her work done in advance of other work in connection with rivers and harbors?

Mr. SEARS of Florida. That may be so. But I say to you, my friends, as I said before, Miami would not be asking for this now if it were not for that act of Providence over which she had no control. Therefore I want you to be as liberal to her as you are to foreign countries. We advanced the money in good faith. We had nothing to do with the hurricane. We had nothing to do with the cause that makes it necessary to ask that she get back at once all of the money advanced to the Government.

Mr. SNELL. You do not say that we have not lived up to all our legal rights?

Mr. SEARS of Florida. No; I have not said that. Unfortunately Congress can wait 10 years and we are estopped from complaining. General Jadwin has been kind to me.

Mr. SNELL. How much is this?

Mr. SEARS of Florida. Five hundred thousand dollars.

Mr. SNELL. How much is in this bill?

Mr. MADDEN. It is \$1,605,000 altogether. Five hundred thousand dollars of that was paid last year, and \$500,000 will be paid back this year. Six hundred and five thousand dollars it is now proposed will be paid back next year. But the gentleman is not willing to wait.

Mr. SNELL. That is what I asked about.

Mr. SEARS of Florida. I am unwilling to wait, because we are entitled to it, and the city authorities say they can not wait. They must refund those bonds on the 5th of June. I ask you, my colleagues, to take that fact into consideration. If you were in my place, and if it were your city that you were pleading for, a city suffering from a hurricane, you would realize my situation. When the disastrous floods occurred I wired to the President to go the limit, and I promised him that I would back him up when Congress convened. It is true that we might wait 10 years; but, as I say, the city must have the money before June.

Mr. MADDEN. The gentleman knows that there is no disposition to wait 10 years. It is distinctly understood that the gentleman's city is going to get \$500,000 right away.

Mr. SEARS of Florida. Yes. We get it out of this bill. I want to be perfectly fair.

Mr. MADDEN. And it is also distinctly understood that you will get the other \$605,000 next year. The gentleman is trying to legislate it on this bill.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

Mr. SEARS of Florida. Mr. Chairman, may I proceed for five minutes more?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SPEAKS. Mr. Chairman, will the gentleman yield?

Mr. SEARS of Florida. Yes.

Mr. SPEAKS. As I understand it, the Government next year will refund to Miami the \$605,000 you are asking for now. If the House refuses to comply with your request it will cost the city of Miami about \$50,000 in interest and other charges.

Mr. SEARS of Florida. Yes; approximately; and the city has no funds to redeem the bonds.

Mr. SNELL. The gentleman does not mean to say that it will cost \$60,000, does he?

Mr. SEARS of Florida. I am talking about the sale of bonds.

Mr. SNELL. It certainly will not cost that much.

Mr. SEARS of Florida. I do not want to quibble about it. It is 5½ per cent on \$605,000. There is the interest, about \$30,000; the brokerage and the printing of the bonds and the expenses of the sale, if you can get a sale for them. I do not want to mislead the House. It is over \$30,000.

Mr. SNELL. It is for the improvement of the city. I am talking about the harbor improvement.

Mr. SEARS of Florida. Yes. We have spent nearly \$4,000,000, and the Government has spent less than \$3,000,000 on the harbor, so that we have been more than fair.

You say, "Why are you asking for this?" We would not complain if the hurricane had not struck us. Those people are not asking for charity. I will leave it to my good friend from Connecticut [Mr. FREEMAN] and my good friends from Ohio [Messrs. CHALMERS and MORGAN], who went down there and saw the devastation. I leave it to my good friend, Mr. CARTER, of California. They saw conditions shortly after the hurricane, and I want it understood we are not asking for sympathy. We are simply asking you to do that which we believe we are entitled to.

Let me call your attention to this: For the removal of wrecks after the hurricane Miami expended \$66,508 in getting the wrecks out of the harbor. The sand was 3 feet deep on some of the streets. Barges, loaded with ballast and rock, were blown into the Royal Palm Park. God knows why the loss of life was not greater. It took hundreds of thousands of dollars for those people to restore streets, and so forth, of the city, and no city ever came back faster than Miami.

I will say, my friends, in conclusion, that I have presented the case as well as I could. If this is setting a precedent, I think it can well be done in view of the terrible disaster which came to Miami. I do not believe I have overdrawn the picture. If any of my colleagues, either on the Republican side or on the Democratic side, who went down there and saw conditions will say that I have overdrawn the picture I will withdraw the amendment.

Mr. MADDEN. Will the gentleman yield?

Mr. SEARS of Florida. Yes.

Mr. MADDEN. The understanding was, was it not, that this would be paid back in three installments?

Mr. SEARS of Florida. No.

Mr. MADDEN. What was it, then?

Mr. SEARS of Florida. The understanding was that it would be paid back.

Mr. MADDEN. It might not be paid back, then, in 20 years, according to that statement.

Mr. SEARS of Florida. That is true; but the understanding also was that this great Government of ours, with a boasted surplus of \$600,000,000 during times like those I have pictured to you, would not hold us to 20 years, because Miami would not have advanced the money if that had been understood.

Mr. MADDEN. Let me ask another question. I have been helping the gentleman to get the money.

Mr. SEARS of Florida. That is true, and the hearings show I have thanked the gentleman repeatedly.

Mr. MADDEN. And I will continue to help the gentleman all I can, and I do not think they will have any trouble in getting the money when the time comes.

Mr. SEARS of Florida. But will you loan me \$40,000 to pay the interest?

Mr. MADDEN. I think the gentleman is romancing.

Mr. SEARS of Florida. No; I am not romancing. I am not able to do it myself.

Mr. MADDEN. They did receive \$500,000 last year, did they not?

Mr. SEARS of Florida. Yes.

Mr. MADDEN. The gentleman knows he is going to get \$500,000 more, does he not?

Mr. SEARS of Florida. I have that assurance from General Jadwin, and General Jadwin has never yet broken his word.

Mr. MADDEN. And the gentleman has my assurance that I am going down there with him for the purpose of trying to get General Jadwin to allocate this other \$605,000. I think the gentleman is trying to legislate this out of the Treasury, and he ought not to be permitted to do so.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

Mr. SEARS of Florida. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. SEARS of Florida. Sometimes a man talks too much, but there have been so many speeches on the other side during my time, I want to say this. The city commissioners last December advised me they had to have this money, and on January 17 I received this telegram:

JANUARY 17, 1928.

One million one hundred five thousand harbor notes bearing 5½ per cent interest mature June 1, 1928.

L. J. GRIFFIN,
Director of Finance.

That is the whole question. Those bonds mature in June and we have no money with which to take them up. The city commissioners have asked me to put this up to my colleagues and I have tried to make my case. All I ask of you is to vote as you would have me vote if conditions in your district were just like ours.

Mr. HASTINGS. Will the gentleman yield?

Mr. SEARS of Florida. Yes.

Mr. HASTINGS. I saw in the newspapers a statement to the effect that three banks had failed there the other day and that they were shipping \$7,000,000 by airplane to save another one of your banks in Miami; is not that correct?

Mr. SEARS of Florida. That is true; but I am not referring to that. That is another condition, due, I am told, to propaganda, while the other was the act of God. [Applause.]

Mr. SPEAKS. Mr. Chairman, I rise for the purpose of inquiring of the chairman of the Rivers and Harbors Committee whether there is a large sum lying dormant and to the credit of river and harbor activities as a contingent fund?

Mr. DEMPSEY. No. The situation is always this: There are always outstanding contracts, and while the books apparently show an unexpended balance, we will say, of \$20,000,000 or \$30,000,000, almost invariably at least \$25,000,000 out of, we will say, \$30,000,000 has been obligated for contracts which have been partially performed but which have not been completed and upon which payments are not due. There is really in the hands of the engineers of unexpended balances only a small sum like \$5,000,000 or \$6,000,000 carried along from time to time to meet extraordinary emergencies which may arise. For instance, we are carrying in this bill \$10,000,000 for the Mississippi, but that is not the sum we are going to carry in the flood control bill.

This \$10,000,000 is to meet extraordinary emergencies which may arise, and the engineers have been expending down there from this fund the sums which were necessary to meet the pressing and immediate necessities of the situation anywhere all over this country. At any time we may have a disaster like the Galveston flood or like the Mississippi flood.

Mr. MADDEN. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. MADDEN. This \$10,000,000 is the \$10,000,000 annual obligation under the act providing for Mississippi River flood control?

Mr. DEMPSEY. Yes.

Mr. MADDEN. And can not be spent anywhere else.

Mr. SPEAKS. Will the gentleman state, as chairman of the committee, that to his knowledge there are no funds to the credit of the river and harbor commission which will not be required during the next fiscal year?

Mr. DEMPSEY. I think that is very, very clear, and I intend, if I am able to get the floor, to deal with that very subject. I do not think there is any question about that. They will not have any fund which they can spare beyond the \$500,000 they have allocated for the payment of this debt to Miami, and next year, in the 1930 appropriation, they propose to allocate \$605,000, the remainder.

Mr. SEARS of Florida. I have been assured by General Jadwin that if this bill were increased \$10,000,000 Miami could not get another penny more, and I am not asking any city in this country which has a river or harbor to be cut down in order that Miami may benefit by it. In other words, I stand or fall on my proposition.

Mr. MADDEN. Mr. Chairman, I make the point of order against the amendment that it is a change of existing law.

The CHAIRMAN (Mr. TILSON). The amendment reads:

To pay the city of Miami, out of any funds available in the Treasury not otherwise appropriated, for part reimbursement of the \$1,605,000 advanced or loaned to the Government by said city for the improvement of Miami Harbor, as provided under the river and harbor act passed March 3, 1925, in accordance with House Document 516, the sum of \$605,000.

I find in the Statutes at Large, Sixty-eighth Congress, page 1187, this statement of the law:

Miami Harbor, Fla.: In accordance with the report submitted in House Document 516, Sixty-seventh Congress, fourth session, and subject to the conditions set forth in said document.

The gentleman's amendment refers to the same document and provides that this payment must be made in accordance with House Document 516, which appears to be the law on the subject.

It would seem to the Chair that this furnishes a basis for the appropriation, if Congress wishes to make it, and therefore the Chair will overrule the point of order.

Mr. MADDEN. Mr. Chairman, the Chair has ruled on the question?

The CHAIRMAN. The Chair overrules the point of order because the amendment states that the proposed appropriation is in accordance with a certain document to which it refers, and which by reference of the river and harbor act is made the law controlling the appropriation.

Mr. MADDEN. But this is changing the law. The document is the law.

The CHAIRMAN. If the appropriation is not in accordance with the document referred to, of course that fact can be shown.

Mr. MADDEN. This is not in accordance with the document.

The CHAIRMAN. I do not see how the Comptroller General could pay it unless it is done in accordance with the document referred to, because the amendment states specifically that it is to be done in accordance with that document.

Mr. MADDEN. The amendment is either a reenactment of the statute or it is nothing.

The CHAIRMAN. The river and harbor act provides an authorization as set forth in a certain document.

Mr. MADDEN. This money is paid out of the general river and harbor fund, according to the statements made by the Chief of Engineers of the Army.

The CHAIRMAN. It seems to the Chair that the Comptroller General would not allow payment of this sum, even though it were carried in this bill, unless it is found to be in accordance with House Document 516, which the river and harbor act makes the law.

Mr. CHALMERS rose.

The CHAIRMAN. The Chair therefore overrules the point of order unless the gentleman from Ohio wishes to be heard.

Mr. CHALMERS. I simply wanted to say, Mr. Chairman, I think the Chair is absolutely correct in the ruling, and if necessary I would be pleased to give my reasons.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SEARS of Florida: On page 78, after line 16, insert a new paragraph, as follows:

"Harbor improvements: To pay the city of Miami, out of any funds available in the Treasury not otherwise appropriated, for part reimbursement of the \$1,605,000 advanced or loaned to the Government by said city for the improvement of Miami Harbor as provided under the river and harbor act, passed March 3, 1925, in accordance with House Document No. 516, the sum of \$605,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chair being in doubt, the committee divided, and there were—ayes 101, noes 87.

Mr. MADDEN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. BARBOUR and Mr. SEARS of Florida.

The committee again divided; and the tellers reported that there were—ayes 142, noes 115.

So the amendment was agreed to.

The Clerk read as follows:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation; for survey of northern and northwestern lakes, Lake of the Woods, and other boundary and connecting waters between the said lake and Lake Superior, Lake Champlain, and the natural navigable waters embraced in the navigation system of the New York canals, including all necessary expenses for preparing, correcting, extending, printing, binding, and issuing charts and bulletins and of investigating lake levels with a view to their regulation; for examinations, surveys, and contingencies of rivers and harbors, provided that no funds shall be expended for any preliminary examination, survey, project, or estimate not authorized by law; and for the prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City, for pay of inspectors, deputy inspectors, crews, and office force, and for maintenance of patrol fleet and expenses of office, \$50,000,000.

Mr. GIBSON. Mr. Chairman, I move to strike out the last word and do so for the purpose of making a statement pertinent to this section and asking a question as to the construction of it.

In the early days of last November a great disaster overtook the State of Vermont in the form of a flood. People have not yet come to fully realize its full extent or far-reaching effect. In 24 hours a damage was caused equal in amount to one-tenth of the assessed valuation of all the taxable property in the State. Our highway and bridge damage was \$7,377,469, according to a survey by the Bureau of Public Roads. Our total damage was \$30,435,000, according to the latest information. The highway and bridge damage means a per capita loss of \$21 for every man, woman, and child in the State; our total damage a per capita loss of \$86. I venture the assertion that

this was one of the greatest disasters that ever overtook the people of any State in the history of the Nation.

Going back we find that other disastrous floods occurred in 1869, 1850, 1830, 1811, and 1785. These floods affected practically the same valleys and the same areas. No survey to determine if there is any practicable way of controlling floods or lessening the damages therefrom has ever been made for Vermont.

I have filed with the Committee on Flood Control petitions signed by hundreds of Vermont citizens asking the Federal Government to take some action for their protection.

Now, I wish to know from the chairman if sufficient funds are available from this appropriation to make this survey possible by the engineers of the War Department.

Mr. BARBOUR. It is the judgment of the subcommittee, I will state to the gentleman from Vermont, that this paragraph does carry enough money; in fact, the Chief of Engineers testified before the committee that out of this \$50,000,000 he proposes to allocate \$1,500,000 for surveys with respect of flood control, power possibilities, navigation, and purposes of that kind.

Mr. GIBSON. Is it the opinion of the chairman of the subcommittee that this will be sufficient to take care of all the work?

Mr. BARBOUR. Yes; because this appropriation is a lump-sum appropriation. It is allocated to different projects. It is sometimes found that one project can use more money than has been allotted to it, while another project does not need so much. So there is enough money here, in the opinion of the committee, and if the Chief of Engineers needs any more money for these surveys, in addition to the \$1,500,000 which he proposes to allocate, the committee is of the opinion he can find it.

Mr. GIBSON. Mr. Chairman, I withdraw the pro forma amendment.

Mr. McDUFFIE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 79, line 10, strike out the figures "\$50,000,000" and insert in lieu thereof "\$55,886,310."

Mr. McDUFFIE. Mr. Chairman and gentlemen, this deals with appropriations for river and harbor work throughout the entire country. It is quite an important item, and I suggest to the chairman of the subcommittee that we agree upon a limit of reasonable time in which to discuss it.

Mr. BARBOUR. What does the gentleman say to a half hour on each side?

Mr. DEMPSEY. I would like to have 20 minutes.

Mr. BARBOUR. Well, say 40 minutes on a side.

Mr. NEWTON. Reserving the right to object, in the division of time is it to be from this side of the aisle and that side of the aisle, or for and against the amendment?

Mr. BARBOUR. For and against the amendment is my understanding, one-half to be controlled by the gentleman from Alabama and one-half by myself.

Mr. BANKHEAD. Mr. Chairman, this is a very important question, and I hope the chairman of the subcommittee will agree to an hour on a side. We are not under great pressure for time.

Mr. McDUFFIE. I have had several requests for time on this side.

Mr. BARBOUR. Let us make it 45 minutes on a side.

Mr. McDUFFIE. That is agreeable to me.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent that the time for debate on this paragraph and all amendments thereto be limited to an hour and a half, one-half to be controlled by the gentleman from Alabama and one-half by myself.

The CHAIRMAN. The Chair will say to the gentleman that there can be no control of time by agreement in Committee of the Whole. An agreement may be entered into for the limitation of debate. The gentleman from California asks unanimous consent that the time for debate upon this paragraph and all amendments thereto be limited to an hour and a half. Is there objection?

Mr. MADDEN. Reserving the right to object, I suggest that the speeches of five minutes each be alternated for and against the amendment.

The CHAIRMAN. That is in the control of the Chair, and doubtless the Chair will follow that suggestion.

Mr. MADDEN. I think it better be understood in the agreement.

Mr. McDUFFIE. We do not want any such agreement as that, to limit the remarks to five minutes. It is difficult to speak upon a matter of this importance in five minutes with any satisfaction.

Mr. MADDEN. I did not mean that every speech would be limited to five minutes, but that the speeches should be alternated for and against the amendment.

The CHAIRMAN. The gentleman from California asks unanimous consent that debate on this paragraph and all amendments thereto be limited to one hour and a half. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will again report the pending amendment.

The Clerk again reported the amendment.

Mr. ENGLAND. Mr. Chairman, ordinarily I vote to sustain the action of the committee, but I am impelled not to do so in this particular instance. I favor the adoption of the pending amendment. No money is used by our Government which means more to our commercial life than that appropriated for the improvement of our inland waterways and harbors. Water transportation is much cheaper than land transportation; high freight rates are impeding our industrial development. I understand that the Army engineers say that approximately \$56,000,000 can be used in the development of these waterways and at the same time conserve the rules of economy. West Virginia will not get any improvement out of this appropriation. I am especially interested in the improvement of the Great Kanawha River. The Government built 10 dams in this river between 1880 and 1898 to improve navigation. A portion of these dams are now entirely obsolete, and the remainder are inadequate for the present requirements of that great industrial valley. There are approximately 18,000,000,000 tons of unmined coal lying within the bowels of the earth in this valley; much of this coal is the finest quality in the world. Our chemical industry at and near Charleston is developing so rapidly that it will soon be the greatest chemical center of the Nation. We have the largest ax factory as well as the largest glass plant in the world; we also have numerous other factories of various kinds. Nature has made this section one of the most desirable for factory purposes in the United States.

I assume that all the river and harbor improvements authorized by Congress are meritorious, but I venture the assertion that but few, if any, have more merit than the Great Kanawha River from the standpoint of available tonnage shipments.

It is my purpose to introduce a bill within the next few days in this body authorizing the improvement of the Great Kanawha River, after which I shall have more to say relative to the improvement of same. It is my purpose to fully inform Congress of the inexhaustible resources of this valley and of the immense tonnage that will be transported therefrom as soon as the Government equips the river with proper transportation facilities. The Ohio and Mississippi Rivers need the tonnage from this valley, and if this improvement is made the Kanawha Valley will be able to supply the southern consumers with cheaper coal and also establish a large foreign market from Panama. We will also be able to furnish the West and great Northwest with the finest quality of coal in the world at a much lower rate than they are now paying.

Every Member of this House ought to be, and perhaps is, in favor of a great inland waterway system. These improvements should be completed at the earliest possible date, and I earnestly plead with my colleagues to manifest their interest therein by voting for the adoption of this amendment. [Applause.]

Mr. DEMPSEY rose.

The CHAIRMAN. The Chair would recognize some Member opposed to the amendment.

Mr. DEMPSEY. This is with the consent of the other side.

The CHAIRMAN. The gentleman from New York.

Mr. DEMPSEY. Mr. Chairman and my colleagues, my own present situation is such, owing to the fact that I have been endeavoring to negotiate a compromise of the subject matter of this amendment, that I feel constrained to follow the Committee on the Rivers and Harbors appropriation item. I do think, however, that there are certain vital matters which are not thoroughly appreciated either by the committee or by the House, and to which I shall direct attention.

We have in the United States adopted projects, live projects, to complete which will call for an expenditure of \$250,000,000. We have all agreed, as I understand it, the engineers, the Committee on Appropriations, the House, and the public that works of this nature should be prosecuted with such reasonable celerity as the circumstances will permit. We have the funds and the time has come when we are not faced with a war situation. We have reduced taxes four times. We have reduced the expenses of the Government. The President in a recent message said that we are now at a point where we may undertake great internal improvements, and certainly there are no improvements so important as the development of navigation in

this country through improving our harbors and inland streams. We have reached an agreement, unwritten, and which is perhaps no more than a general understanding, that works of this nature should be completed in five years. We have found from experience that if funds are provided this can be done.

We have \$250,000,000 to-day of uncompleted, important improvements of this nature. If we are to complete these projects within five years we must have more than \$50,000,000 a year. I am not speaking in regard to this particular appropriation, but I am speaking as to the duty of this country toward river and harbor appropriations in the immediate future, and I want to show what the situation is.

How much were we able to use last year on the new work out of a \$50,000,000 appropriation? We expended \$17,000,000 for maintenance and that left only \$33,000,000 for new work. We need, therefore, without taking into account new projects, which are sure to be adopted, if we are to carry out our five-year program, as we all agree we should do, \$50,000,000 a year for new work and \$17,000,000 a year for maintenance, \$67,000,000 a year in all. We have adopted a provision for a survey of practically all of the navigable streams in the United States, for navigation, for power, for irrigation, for municipal uses, for every possible use to which water can be put. It is probably the most important legislation which Congress has adopted in many years. Formerly we made separate appropriations for them, in addition to the lump sum. This, which will amount to \$1,500,000, is included this year in the \$50,000,000, as is also the ordinary surveys, which will cost \$250,000, making altogether \$1,750,000 to come out of this \$50,000,000 before we can apply it to maintenance and new work.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. In a moment. Maintenance last year cost \$17,000,000. You can easily figure that with an appropriation of \$50,000,000 we are not going to be able to complete our five-year program; but when you come to consider the matter, you find that it is not a five-year program for \$250,000,000. Why do I say that? Because in a great country like this, growing in business, developing and multiplying in transportation, increasing in wealth, increasing just as rapidly in commerce, you are bound to make your waterway improvements keep pace with the times. We must develop our waterways just as we develop the railroads and keep pace with the railroads. To illustrate that, on the Great Lakes the average size of a lake freighter in 1900 was 3,500 tons and to-day it is 14,000 tons, and without that growth we could not have maintained the low cost of transportation on the Great Lakes, the lowest cost of transportation the world has ever known, 1 mill per ton per mile, upon which is based all of the steel and iron development of this great country of ours. We find that in order to keep the Great Lakes in line with transportation developments as they are progressing, we must increase the depth of the channels. To be sure, to-day, through the fact that we have had an excessive rainfall and that we are in a deep-water cycle, the Great Lakes have come back to pretty nearly the statutory depth of 20 to 21 feet, but for a long period of years we had only about 18 feet, and we must provide not alone for the high-water times but for the low-water times, and in order to do that we must deepen the channels of the Great Lakes. There is coming in here within the next two weeks a report in favor of deepening the Great Lakes at a cost undoubtedly of several million dollars, and that adds to your \$250,000,000.

As I stepped into the Hall this morning I ran across a Representative from the State of New Jersey who is a friend of the Representative from Camden. They are to have a report made in their favor which shows that the city of Camden itself is to spend \$2,000,000 on terminals and docks, and modern loading and unloading devices, to make that a great and modern and useful port. The locality has shown its belief in the project by bonding itself for \$2,000,000. Undoubtedly the expenditure on the part of the United States will be many millions of dollars, and how are we to provide for it? We should not delay work on the projects already adopted. These two cases—the Great Lakes and the Camden case—are simply illustrative of numerous cases all over the United States. This country does not stand still. This country is moving forward at an astounding pace, and as it goes forward we find that in places where you thought you had no particular need for transportation suddenly there arises a great tonnage, and that tonnage demands transportation.

Take in further illustration the city of Los Angeles. A harbor was improved there which many people thought would be of little value. It had after a time a tonnage of 2,000,000 tons a year, and then there was discovered there great quantities of oil, and in one year the tonnage jumped from 2,000,000 tons per year up to 2,000,000 tons per month. And what hap-

pened in Los Angeles is happening all over the Texas coast, where they have a most tremendous oil and a very great fruit development. To provide for the growing needs of this great country in waterway transportation and to carry out a five-year program we must have much more money than we have had in the past.

Mr. DENISON. Mr. Chairman, will the gentleman yield there?

Mr. DEMPSEY. Yes.

Mr. DENISON. This so-called five-year program was adopted some two or three years ago, was it not?

Mr. DEMPSEY. Yes.

Mr. DENISON. Now, since that was done, Congress has authorized a great many additional projects for the improvement of rivers and harbors, projects as have been approved. How much do those projects involve?

Mr. DEMPSEY. The last bill, I think, carried something like \$60,000,000 or \$70,000,000.

Mr. DENISON. If that is true, there will have to be some appropriations made to begin those projects?

Mr. DEMPSEY. Not only those projects, but other projects which will be adopted from time to time. Here we have, first, the public demanding water transportation. Go to any port, any great vicinity where they have developed a large commerce, and you will find a whole city a seething mass demanding river and harbor development. Out in the Middle West you find the farmer is suffering from a long period of hard times. He says transportation is one of his largest costs, and he knows, by studying the figures, that he can get cheaper transportation by water than otherwise. Mr. Babson says in one of his letters that we have become the greatest mass-producing manufacturing Nation of all the nations of the world, and we have solved that problem of mass production; but he says we have utterly failed and gone back on the problem of distribution, so that to-day a product the manufacturing cost of which is 20 cents costs the consumer a dollar. And he said that in the next few years he confidently believes that the problem of distribution will be solved just as successfully as we have solved that of mass production. The prime problem confronting us will be that of distribution, and that will eventually be cut down to reasonable proportions. Part of what is saved in the distribution of agricultural products will go to the farmer and increase his profits.

The farmer believes that improving of the channels in our rivers will give him cheaper transportation, that what he saves will be largely, if not wholly, his, and that these river improvements will be a large measure of farm relief. The farmer regards the making of our rivers navigable as something that is practical, something that is at hand, and something that can be done for him now.

Let us take the other aspect of the matter. Here are the farmers of the Middle West, those who, for instance, can ship by the Missouri when its channel is deepened and its banks stabilized, saying that cheap transportation will afford them relief. Let us see what the attitude of Congress is toward that question. I happened just yesterday to have a talk with the chairman of the committee that deals with that question in the other body, and he said to me, "Are you going to have a rivers and harbors bill?" I said, "Here is the Great Lakes problem on which the iron and steel business of the country depends. It is a question in which every American is interested, and if the report on deepening the Great Lakes channels comes to us we feel that we must have a bill." He said, "What good is there of a bill? You are not going to make appropriations to complete within a reasonable time even the projects already adopted. How are you going to add new projects to the ever growing list and get the money necessary to finish the five-year program?" That is the feeling of all those in Congress who are interested in waterway transportation. How much time have I used, Mr. Chairman?

The CHAIRMAN. The gentleman has consumed 14 minutes.

Mr. McDUFFIE. Mr. Chairman, may I interrupt the gentleman?

Mr. DEMPSEY. Yes.

Mr. McDUFFIE. Does not the gentleman think the Congress should appropriate immediately money sufficient, even if it takes a hundred million dollars, in the interest of economy to complete the major projects that are of primary importance?

Mr. DEMPSEY. Yes; I will answer that question. So far as this bill is concerned, I feel three things: First, that I was a party to the negotiation of a compromise which makes me a supporter of the present bill as it is; second, I do not think we have given the country full and fair notice of this five-year program or what it means; and third, I recognize also that there are unusual and very large demands on the Treasury at

this session of Congress. And so all of those things unite in tying my hands. Yet I believe that we should adopt a program of appropriating each year one-fifth of the total amount of money necessary to complete every live project, and also each year, whatever sum it is necessary to expend for maintenance. Appropriations for surveys, both the annual surveys and these unusual surveys of the rivers of the country, for which we recently provided and which cost millions of dollars, should be made in addition to those necessary for other new work and for maintenance.

Mr. McDUFFIE. After having adopted the amendment a moment ago taking care of Miami, it means that \$605,000 more shall come out of this bill, and that means that we shall have in a year \$605,000 less for the construction of rivers and harbors. That is true, is it not?

Mr. DEMPSEY. That is true if the amendment means anything. I think the amendment as adopted does not mean anything. I think it means they are to be paid according to the law as it is, and the law as it is is that they are to be paid as the Government wants to pay them. But I do think there is no work so important to the people of this country—I do not think the work even of providing for the Army or the Navy is of greater importance—than to provide the cheap transportation by water for all our products, whatever they may be.

I believe that the iron and steel business would never have come into existence, that we would not have supplied even our own domestic needs, much less would we have been exporting, except for cheap transportation on the Great Lakes. Let me add also that cheap transportation on rivers is illustrated by the Monongahela River, where they carry coal at about 15 cents a ton as against a railroad rate of about \$1.12 a ton.

Now, there is another reason besides the fact that transportation is cheaper why we should provide transportation by rivers. This country is rapidly growing. We have transportation facilities for our people to-day. We will have 40,000,000 more people in 25 years, but we have no transportation facilities for them. The easiest, the cheapest, and best way to provide that transportation is by water. It is the only way, because new railroads are not being built. We have no additional mileage. We have practically the same railroads to-day we had 10 years ago. We have not added any considerable mileage in that time and we do not bid fair to add additional mileage. Unless we provide these transportation facilities by water we will lack, as Mr. Loree, president of the Delaware & Hudson Railroad Co., recently said, the transportation with which to supply our people with the necessities of life—with food to sustain life and with coal to keep them warm.

This is the situation in a general way. We might as well face the fact that if we are to continue waterway development we must have a program of appropriations sufficient to meet the needs of the country, and those needs, as generally recognized and sensed, mean a 5-year program; the completion of every project not in 20 years, as the Ohio is about to be completed, but in 5 years, because that is economical, because it gives you in a reasonable time the use of the many millions which you have expended on a project and you never have any substantial return in being able to navigate a stream until the improvement is complete, because it provides the transportation which is promised when we adopt the project, and because a five-year program insures the performance of the work on every project in a businesslike and sensible as well as an economical way. Delays on these projects are always costly. They mean that the people do not get what Congress promises each time it adopts a project. By indefinite delays we lose in great part the benefit of the legislation.

Mr. MADDEN. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. MADDEN. I take it from what the gentleman says—and I have been listening very attentively in order to get a word of cheer somewhere—that the Rivers and Harbors Committee has a plan under which it does not propose to establish any new projects until the end of this five-year period, during which we will appropriate sufficient money to complete the projects which the committee has already worked out—is that right?

Mr. DEMPSEY. No. What we have in mind is that we believe we have a great chairman of the Committee on Appropriations who has broad vision, splendid judgment, and who can see the needs and necessities of the country and that he will provide for new projects of merit in just the same broad-minded and splendid way that he has in the past in helping to provide for existing projects. [Applause.]

I have referred to the fact that the cheap transportation of the Great Lakes was the basis of the development of the iron and steel business of this country, and has served as a most economical method to distribute the coal of Pennsylvania

through the Northwest. The cheap transportation of these lakes, too, has been the means of building up the numerous great cities which border on them, commencing with Duluth, taking in Chicago, Milwaukee, Detroit, Toledo, Cleveland, and ending with Buffalo. The crying need of to-day is for a deep-waterway connection between the Great Lakes and the ocean. Such a waterway will pay a splendid profit on the cost of construction, whatever it may be. Circumstances may, however, delay the adoption of this project for some time. Deep-water navigation is being extended through Canada to Lake Ontario by the construction of the Welland Canal, which is nearing completion. This canal is 25 miles in length, and its construction involves an expenditure of about \$125,000,000. The question arises whether the United States should be content to use this Canadian connection between the two lakes, or whether, on the other hand, the United States should have a canal of its own and within its own territory.

Every citizen of the United States agrees that if the commerce between Lakes Erie and Ontario is to be large and important—if it is to be large in volume and great in value—it would be better to have a canal of our own, rather than to depend on one wholly within a foreign country, which belongs to it alone, and over the operation of which it will have sole and exclusive jurisdiction. While we may not expect a traffic on Lake Ontario comparable to that on the other Great Lakes, the greatest commerce in the world, it is but natural to expect that enough commerce will go in both directions to make the volume large for any inland water other than the Great Lakes. It is to be remembered that Buffalo has now an annual water-borne commerce of 20,000,000 tons, yet the great iron and steel business there is only in its infancy, the many huge plants there having been started a comparatively few years ago. So far Buffalo and the Niagara frontier have been, so far as water transportation is concerned, in a similar position to a vicinity which has a standard-gauge railroad running in one direction and a narrow-gauge road only in the other direction. In other words, the Niagara frontier has had the enormous benefit of the Great Lakes system to the west, but has had leading east only the Erie Canal, which is too shallow and accommodates boats of such small tonnage as not to be able to compete successfully with the large units of modern transportation.

With deep water transportation to the east, a large tonnage coming and going on Lake Ontario is, it is firmly believed, assured. It is quite certain, however, that the tonnage on a canal running through the Niagara frontier, which already has 20,000,000 tons of water-borne commerce annually, would be much larger than by the Welland Canal, which runs through an open country, from which practically no tonnage would come.

So we come naturally to the point that as a large commerce can be expected through a deeper waterway connecting the two lakes and on Lake Ontario, it would be better for this country to own and control the operation of a canal of its own rather than to use the foreign Welland Canal, provided a canal of our own can be constructed at a reasonable cost, as compared with that of the Welland, and which will afford facilities at least equal to those of the Welland Canal.

The great objection to all canals is that, owing to the fact that vessels passing through them at a high rate of speed wash away and destroy the banks, ships must be slowed down to about one-third of their speed on the Great Lakes. This prolongs the journey and adds to the cost of transportation. While the Welland Canal is, as has been said, 25 miles long, and owing to the geography of the locality, had to be constructed in a straight line north and south, the situation on the American side is such that it provides two natural and highly desirable routes, one from La Salle to Lewiston, both on the Niagara River, and the other from Tonawanda, also on the Niagara River, via Lockport, to Olcott. The La Salle-Lewiston route is only 11 miles long; that from Tonawanda to Olcott is 24 miles long.

A survey was made in 1900 of these two routes which is so comprehensive and able as to rank as highly as any waterway report made in the history of the country. It shows that at that time a 21-foot channel by the La Salle-Lewiston route would have cost \$43,214,344, while the cost of such a canal by the Tonawanda-Lockport-Olcott route would have been \$49,274,894. The president of one of our greatest railroads, who has had a great experience in construction work and knows its cost well, says that such costs as those involved here have not increased on the whole since 1900; while the cost of labor has increased largely, the expense of the work to be done by machinery has decreased greatly, owing to the greater efficiency of the machinery of to-day, so that the increase in the one case is just about offset by the decrease in the other.

The conclusion, therefore, is natural, if not inevitable, not alone that there will be a large volume of commerce through a

deep waterway connecting Lake Erie with Lake Ontario, and on Lake Ontario, but that a canal shorter in distance and in the time necessary to navigate it can be constructed on the United States than on the Canadian side, and it is obvious that it would be to the advantage of the United States to have this commerce rather than to have it go to a foreign country. It will be a decided advantage, also, to our country to own, control, and operate its own waterway rather than to depend upon a foreign waterway. It will be a decided and great benefit, too, to have this waterway pass through the thickly settled American Niagara frontier, where there are nearly a million people, and which already has a waterway-transportation business of 20,000,000 tons a year rather than for the American frontier to be obliged to send to and receive from the Welland Canal, for a distance of 25 miles, all of its Lake Ontario water-borne commerce, both passenger and freight.

Next, the Tonawanda-Lockport-Olcott Canal is shorter than the Welland, and a canal by the La Salle-Lewiston route would be less than half the length of the Welland. A canal by either American route will cost only a fraction of the expense of the construction of the Welland Canal. An American canal by either route would be quicker to navigate than the Welland, because by the La Salle-Lewiston route we would have less than half the canal navigation which would be encountered on the Welland, and by the Tonawanda-Lockport-Olcott route, owing to the fact that the canal from Lockport to the lake passes through a deep gulf, with natural, high banks, which would not wash, the time occupied in navigating the canal would be considerably shorter than by the Welland Canal.

The American Niagara frontier is the largest center for any canal connecting the two lakes—Erie and Ontario. It has the second largest tonnage of any place on the Great Lakes and is the largest center of population between Lake Erie and New York City. It is growing with prodigious strides, and when once such an increased diversion of water for power purposes is permitted to be made from the Niagara River as can be safely granted without impairment to the scenic grandeur, judging by the growth of the city of Niagara Falls since the present diversion was made, the increase in population, wealth, and transportation by water will be rapid and enormous. For all freight originating in the Niagara frontier and to go east, or coming from the east with the Niagara frontier as its destination, the Tonawanda-Lockport-Olcott route is the best of the three routes and incomparably better than the Canadian route by the Welland.

Distances by the Welland Canal and by the two American routes to and from Olcott for freight from the east or going east and either originating in or destined to the cities in the American Niagara frontier

City	By the Welland Canal	By the Tonawanda-Lockport-Olcott route	By the La Salle-Lewiston route
	Miles	Miles	Miles
Buffalo.....	77	34	58
The Tonawandas.....	57	24	48
Niagara Falls.....	102	39	45
Lockport.....	99	12	60

Savings in distances in using the American routes on freight above described over the Canadian route

City	By the Tonawanda-Lockport-Olcott route	By the La Salle-Lewiston route
	Miles	Miles
Buffalo.....	43	19
The Tonawandas.....	63	39
Niagara Falls.....	63	57
Lockport.....	87	39

Similar savings in distances by the American routes over the Canadian route on round trips between the American Niagara frontier and places to the east

City	By the Tonawanda-Lockport-Olcott route	By the La Salle-Lewiston route
	Miles	Miles
Buffalo.....	86	38
The Tonawandas.....	126	78
Niagara Falls.....	126	114
Lockport.....	174	78

To-day the Niagara frontier has, as has been said, water transportation east only by the Erie Canal, which is too shallow to make it economical or practical.

Transportation by the Welland Canal to or from the east for the entire Niagara frontier would be both uneconomical and impractical because of the added distances shown by the preceding tables.

As the frontier already has deep-water transportation to and from the west, and the Welland Canal is neither practical nor economical for transportation to the east, it is hard to see how it is of advantage to or adds to the facilities of any part of the Niagara frontier.

On the other hand, with the Niagara River deepened to the same depth as the Great Lakes channels from Tonawanda to Niagara Falls, the Tonawanda-Lockport-Olcott route would not alone furnish the shortest and most economical transportation for the frontier to and from the east, but it would also be of very great value for water transportation between the different points in the frontier.

It is to be remembered, too, that the Niagara frontier, with all of the facilities which come with a million of population, would afford the many advantages needed by ships, such as supplies, dry docks for repairs, and, whenever advantageous, the taking on or discharging of part of a cargo, none of which advantages would be afforded on the route of the Canadian waterway.

Then, too, Buffalo, with its great harbor, would afford safety and protection to vessels in case of storm, with no such protection afforded the Erie entrance of the Canadian Canal.

Even for through traffic the Tonawanda-Lockport-Olcott route is shorter than that by the Welland Canal in distance and would be much shorter in time because, as has been said, of the fact that for much of the distance from Lockport to Olcott that route is between high banks, which will not wash, and a boat would not be required to slow down.

Because, therefore, it is better to own a canal of our own, better to control and operate it than to depend upon a foreign canal; because we have two routes on the American side, both of which are highly preferable for all traffic, and especially so to all freight originating in or the destination of which is the Niagara frontier, for navigation purposes to the Canadian route; because both of the American routes pass through a great center of population, where a great volume of freight originates and is received; because a canal by either American route will cost much less than the Canadian canal will cost; and because the operation of an American route will build up American commerce and help make certain that we continue to hold, as we do to-day, the great volume of transportation on the Great Lakes; and because the routes on our side are American routes and not foreign routes I earnestly advocate the speedy adoption of the project for the construction of an American canal connecting Lake Erie with Lake Ontario by a channel of the same depth as the channels in the Great Lakes.

It is to be borne in mind that the question is a practical and financial one. The International Joint Commission, representing this country and Canada, in 1921 agreed upon a report which was submitted to the Senate, Sixty-seventh Congress, second session, Document No. 114, pages 178 and 179, in which it was recommended that—

each country should be debited with its share of the entire cost of all works necessary for navigation, including the cost of the Welland Canal, based upon * * * cargo tonnage * * *.

The report said also—

* * * the fair and reasonable plan appears to be to divide the cost in proportion to the benefits each receives.

Our commerce on the Great Lakes amounts to over 100,000,000 tons annually and that of Canada to about 7,000,000 tons, so if the division is to be made in proportion to tonnage we would pay over \$100,000,000 of the cost of the Welland Canal, and yet have no interest in it and no control over its operation. We can construct a canal of our own, a very much better canal, which we will own and control, which will serve our commerce infinitely better, at a fraction of what Canada would deem, if we use it, we should pay toward the cost of the Welland Canal. And we, a rich, prosperous people, want no friction with a smaller, poorer, and friendly neighbor over a question of this kind; we would want to pay what Canada deems fair or not use her canal.

There is another improvement for which there is a crying need on the Niagara River. We have throughout our century and a half of existence been allowing many of our water powers to run to waste and have been drawing, needlessly and extravagantly, to the extent that water power would take its place, upon our limited supplies of coal. The greatest of all our water powers is that at Niagara Falls. Two hundred and twenty-six

thousand cubic feet per second of water flow down the Niagara River. By treaty with Canada 56,000 cubic feet is diverted for power purposes—36,000 on the Canadian side and 20,000 in our country. Niagara Falls is divided into two parts, the American Falls, of 1,000 feet in width, and the Horseshoe Falls, 3,000 feet wide, with Goat Island between the two falls. Ten thousand cubic feet per second flow over the 1,000 feet on the American side, and makes a most beautiful spectacle, presenting a deep stream, with no rocks anywhere visible. The remaining 160,000 cubic feet flow over the Horseshoe Falls, most of it in a few hundred feet in the center of the fall, where it has eroded and worn back the face of the fall for hundreds of feet, while the greater part of the 3,000 feet is bare rocks, with practically no water flowing over it.

A miniature of Niagara Falls has been constructed adjacent to the bank on the American side of the river and is in operation, by which to demonstrate that by placing cement blocks in the bed of the Canadian side of the stream the flow of the water can be spread so that it will cover evenly the entire Canadian or Horseshoe Falls, just as the face of the American Falls is covered to-day. On the basis of 10,000 feet making a beautiful fall over a width of 1,000 feet, the Horseshoe Falls, after the spread in the flow of the river has been accomplished, should require but 30,000 feet to make as beautiful and satisfying a spectacle as the American Falls presents. This would result in its being safe to divert 130,000 cubic feet more for power purposes. I do not suggest that there be an immediate additional diversion of this amount of water, however. A diversion of 80,000 cubic feet, only two-thirds of what it would seem perfectly safe to divert, without impairing or imperiling the beauty or grandeur of the Falls, would be highly conservative and could not by any possibility do harm.

The question of permitting any additional diversion could be left to commissioners representing the two countries, who would proceed only as they found, on actual experience, it safe and wise for them to do so. Of course, the permit to divert additional water should be coupled with a condition that the licensees should construct the works in the Canadian River spreading the flow of the water over the Horseshoe Falls.

As a result of such an added diversion, and of simultaneously constructing works in the bed of the river to spread its flow, we would stop the erosion of the Horseshoe Falls and would have there a continuous fall, 3,000 feet in width, with no bare or unsightly rocks visible, but with only a beautiful waterfall for that entire broad width. Man will have improved upon nature, and this one of the seven wonders of the world will be a grander sight than it has ever before been. And at the same time, a diversion of 80,000 additional cubic feet per second will produce 2,400,000 additional horsepower, the equivalent of the enormous volume of 24,000,000 tons of coal annually. While this additional power will add enormously to the prosperity of the Niagara frontier, the question is by no means a local one. Through the power already developed, Niagara Falls has become the electrochemical center of the world, and the power has been carried besides to municipalities 200 miles away. The position of Niagara Falls as an electrochemical center enables it to manufacture many products of the greatest value to us in times of peace and in the World War this power produced over 80 per cent of many of the ingredients going into the manufacture of our munitions of war. All this has been accomplished through a diversion of only 20,000 cubic feet for power purposes on the American side. What stupendous results will be accomplished when we add 40,000 cubic feet more and put it at work for the benefit of the Nation. It is hard to conceive the enormous benefits which are certain to come to all of us.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama [Mr. McDUFFIE] may proceed for 20 minutes.

Mr. HASTINGS. As I understand, the gentleman is in favor of this amendment?

The CHAIRMAN. He is in favor of the amendment. The gentleman is the proponent of the amendment. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The gentleman from Alabama is recognized for 20 minutes.

Mr. McDUFFIE. Mr. Chairman and gentleman of the committee, I hope I may have the attention of the distinguished chairman [Mr. MADDEN] and that he will be convinced of the absolute necessity for the adoption of this amendment. I was not surprised but somewhat gratified to hear the speech made by my friend Mr. DEMPSEY, the chairman of the Rivers and Harbors Committee, who said that while he was going along with the committee and support the \$50,000,000 Budget figures,

because of a certain situation in which he finds himself he is not in a position now that justifies him in going with many of those, even on his own side as well as on our side of the aisle, who believe that this amendment should be adopted.

His speech and attitude on this amendment reminds me of a little story I heard—if you will permit me to tell it—about a colored minister down home in the far Southland who was taking the devil for his text in a series of meetings. He talked about the devil day in and day out. He described the devil as having red skin, a long forked tail, forked hands and forked ears, breathing smoke from his nostrils, and with fire in his eyes. He could not say enough bad things about the devil. At the end of the seventh day, and late in the evening as the minister was as usual accusing the devil, a youngster in the community, dressed to look like the devil as he had been described, crawled in the window of the church. He had an electric apparatus which permitted him to have his eyes shine like fire, and as he smoked a cigarette the smoke was blown out of his mouth and nostrils. The congregation, of course, began to get to the door so as to pass out as quickly as possible. The devil got between the door and the preacher. The preacher being shut off from escape looked at him and said, "Mr. Devil, I want to say something to you." He said, "It is true I have said all manner of evil things against you. I have charged that all of these troubles and shootings in this community are traceable directly to you. I have said hard things about you, it is true, but I just want to say to you right now that my heart has been with you all the time." [Laughter.]

That, gentlemen, is the attitude of the chairman of the Rivers and Harbors Committee [Mr. DEMPSEY]. He is voting with the committee against the amendment and praying to God the amendment will be adopted. [Laughter and applause.] There may be others on your side in the same fix. I hope there are not many.

There is no pleasure, certainly none for me, and none on the Democratic side, in this or any other effort to disturb the President's Budget figures. The Budget is not a sacred thing, however, and Members of Congress owe something to their constituencies and the country as well as to the Budget. While the country may believe that but for the President's "sitting on the lid," the Congress would have long ago pulled all the money out of the Treasury and wasted it, the record shows—and I call the chairman [Mr. MADDEN] as a witness—that the Congress, under the leadership of himself and others, with the cooperation of the Democratic side as well, has appropriated since the installation of the Budget system \$250,000,000 less than the President's Budget estimates.

Mr. MADDEN. It is more than \$350,000,000 less.

Mr. McDUFFIE. So much the better. Then, why be afraid the Congress is going to run away with the Public Treasury and waste the country's financial resources?

Mr. MADDEN. We gave that back to the taxpayers, as the gentleman knows.

Mr. McDUFFIE. Yes; and in appropriating for this great work you are going to give the taxpayers more money and more advantages, according to the words of the President himself, who many times has approved appropriations for rivers and harbors, and even in his last message he said, "Improvements of this kind are compatible with economy." Again he said, "Such expenditures are creative of wealth; they add to taxable values and tend to lower the tax burdens." These are the words of the President of the United States, whose Budget officers cut the estimate of the engineers \$5,886,310 without assigning any reason whatsoever.

The amendment I have just offered, gentlemen, which I hope you will adopt, simply raises the Budget figures from \$50,000,000 to \$55,886,310, the amount the engineers estimate is needed for the next year. Why should this be done?

The gentleman from Illinois [Mr. DENISON] just called to your attention the fact that since we adopted, or, rather, since some sort of suggestion was made that we should appropriate \$50,000,000 a year for five years to complete a program; since we began that program we have added \$73,000,000 in authorizations to be carried out and appropriated for by the Congress.

Mr. MADDEN. I wonder if the gentleman would answer the question which my friend, the gentleman from New York [Mr. DEMPSEY], failed to answer—whether in carrying out this five-year program you are going to add \$72,000,000 to the program.

Mr. McDUFFIE. I do not know how many more projects are going to be added to the program. The Illinois River in the gentleman's State will need a little more attention. The survey provided for in this bill will determine that and fix our future policy in using all our inland waterways.

Mr. MADDEN. The Illinois River is only \$3,000,000.

Mr. McDUFFIE. And I want to help the gentleman and will help him get that project completed at the earliest date. Does

the gentleman from Illinois wish to stop appropriating for projects that are absolutely necessary in the proper and orderly functioning of our transportation systems?

Mr. MADDEN. No; but I want the committee, including the leading Democrat on the committee and the leading Republican on the committee, who is the chairman—

Mr. McDUFFIE. I thank you, but I am not the leading Democrat on the committee.

Mr. MADDEN. Yes; the gentleman is easily the leading man wherever he happens to be. [Laughter and applause.]

Mr. McDUFFIE. The gentleman is very clever, but he is now "damning me with faint praise." [Laughter.]

Mr. MADDEN. Is it not worth being damned for?

Mr. McDUFFIE. Well, to say the least, I would rather have the gentleman's compliment in the cloakroom or elsewhere than at this particular time and place.

Mr. MADDEN. More people will know about it here.

Mr. McDUFFIE. Oh, well, the others here may have the same keen intelligence and perception the gentleman possesses and may have already found it out themselves. [Laughter.]

Mr. MADDEN. I am glad to know the gentleman acknowledges it. [Laughter and applause]. Seriously, if we are sincerely for the five-year program and want to complete it, of course we can not complete it if we double it in that time. That is fair, is it not?

Mr. McDUFFIE. That is fair; but we are not going to double it. There is no intention of doubling it. We must continue to adopt worthy projects.

Mr. DEMPSEY. What the gentleman means is that you can not complete the program if you add to it unless you simultaneously also add to the appropriation.

Mr. McDUFFIE. Why, of course.

Mr. MADDEN. That is not what I meant. [Laughter.]

Mr. WILLIAM E. HULL. May I ask the gentleman a question here which I think will clarify the situation?

Mr. McDUFFIE. Yes.

Mr. WILLIAM E. HULL. If this amendment carries we are then going on a basis of \$55,000,000. We have a nine-year program ahead of us instead of a five-year program.

Mr. McDUFFIE. At the rate of \$50,000,000 a year; yes.

Mr. WILLIAM E. HULL. If we keep on a \$55,000,000 basis or probably raise it to \$60,000,000, we can catch up, and then when certain projects are completed that money will go on the new projects that will come in.

Mr. MADDEN. Will the gentleman let me make just one statement here? While you are doing that, of course, you will have hundreds of millions of dollars to be appropriated for flood control. Do not forget that.

Mr. McDUFFIE. Let me say to the gentleman that the people of this Nation are committed to the proposition of controlling the flood hazards of the Mississippi River regardless of what we do in a bill of this kind or regardless of what happens to this amendment.

Mr. MADDEN. Not yet, but they ought to be.

Mr. McDUFFIE. Yes; and the Congress will endeavor to formulate—and I hope we can fix at this session—a definite, permanent, and adequate policy for Mississippi River flood control, and appropriate ample funds to begin the work at an early date.

Mr. MADDEN. I think they will, and I will help them.

Mr. McDUFFIE. Let me give the Members here a concrete example, from the hearings, as to what is going to happen in the expenditure of public funds for this work, if we expend \$55,000,000, and, on the other hand, if we expend \$50,000,000 during the next year. I want to call your attention to some of the new projects and show you how they are affected. These are the last projects adopted in the last river and harbor bill:

The Thames, Conn., under the \$55,000,000 scheme, gets \$300,000, while under the \$50,000,000 it gets \$250,000, a difference of \$50,000.

Passaic (N. J.) and Hackensack Harbors get \$300,000 under the \$55,000,000 appropriation and \$250,000 under the \$50,000,000. Appomattox, Va., would be cut down \$11,000.

Channel to Newport News, in which the Navy is interested, cut down \$82,500.

Beaufort-Cape Fear River Channel would be cut down \$150,000. Charleston Harbor, another place that the Navy is interested in, \$15,000.

Savannah Harbor, \$30,000.

Jacksonville to Miami, \$50,000.

Sabine-Neches waterway, Tex., \$220,500.

Galveston Channel, \$71,000.

Moline, Ill., and Hastings Lock and Dam, Minn., instead of spending \$1,500,000, as would be done under a \$55,000,000 ap-

propriation, under the \$50,000,000 carried in this bill, they would spend \$1,300,000, a cut of \$200,000.

On the Missouri River from Kansas City to Sioux City it is hoped they can spend \$600,000, whereas under the \$50,000,000 program as now carried in the bill, they can only spend \$450,000—a difference of \$150,000.

The Illinois River, under the \$55,000,000 program, they would spend \$525,000, while under the \$50,000,000 program they would spend \$475,000.

At Michigan City there is only a change of \$5,000.

At Sandusky Harbor, Ohio, under the \$55,000,000 program they would spend \$605,000, whereas under the \$50,000,000 program only \$500,000—a difference and reduction of \$105,000.

In the State of California, for projects there, very worthy ones, too, \$150,000 less can be expended under the terms of the bill as presented us than will be expended if my amendment is adopted. Let us remember that the usual amount for preliminary surveys—\$250,000, which we always provide in addition to the \$50,000,000—must, under this bill, come out of the \$50,000,000. With \$1,500,000 for general surveys, we have a total of \$1,750,000 to be expended outside of the regular construction and maintenance work. This leaves less than \$50,000,000 for the work next year.

It is elemental that the less money you give the engineers the less progress they are going to make. This money will not be wasted and there is no "pork" in this appropriation.

Mr. WILLIAM E. HULL. Is it not true that we only have \$30,000,000 or \$32,000,000 to expend on projects under the present plan?

Mr. McDUFFIE. I think that is true, and I thank the gentleman. The testimony before the committee shows that it is absolutely necessary to have \$2,000,000 to begin what I think is the most constructive step forward taken by the Congress in years in reference to the utilization of waterways. This bill carries the initial appropriation for that work.

The last Congress provided a general study of all the streams of the country with a view of getting their maximum development from the standpoint of power, flood control, and navigation, treating each stream as a unit. Every State in the Union is affected by this survey, and the survey is for the progress in every State in proportion to the amount of money furnished by Congress to expedite this important work.

Many projects have been found useless—probably a hundred of them—on which the engineers are no longer spending much money. Some have been abandoned entirely. This study will disclose their uselessness, wherever they may be, and Congress can act more intelligently in striking these projects from the calendar, and thereby save that much money, which will go into the general fund for more meritorious and for the major projects of the country.

Here is a map recently made by the engineers and the Power Commission showing the country divided into zones. In each zone where you see a red figure, immediately on the passage of this bill the engineers will put their experts there to study every stream with a view of developing its maximum utilization for the purposes I have just mentioned; that is, for navigation, power, and flood control.

We are just entering the power age, the age of electricity, as we did the steam age. Electricity is being multiplied in its uses. It is doing away with the drudgery of the home and becoming the "hewer of wood and the drawer of water." The electrical industry is making more progress to-day than probably any other industry in the country. The time has come when we are going to need and utilize every water power and develop every stream in the country.

In 1869 our industries employed only about 2,350,000 primary horsepower, while at the last census in 1919 our industries employed nearly 30,000,000 primary horsepower, an increase of about 1,200 per cent. The use of electricity in manufacturing operations was first noticeable in 1889, when the census returns showed approximately 15,600 horsepower of electrical energy employed in manufacturing. At the last census in 1919, after a lapse of 30 years, this electrical power had grown to 16,317,000 horsepower. In other words, the last census showed that something over 55 per cent of the power used by our industries was electrical energy, and the increase during the last 10 years has been very rapid and enormous.

The value of all of our agricultural crops in 1899 was about \$3,000,000,000. Twenty years later it was about \$15,500,000,000, but our manufactured products, which in 1899 had a value totaling \$11,400,000,000, reached the enormous total of \$62,400,000,000 in 1919, or more than four times the value of all our farm crops put together. The figures for farm crops do not

include livestock. The importance of fully utilizing our power resources, therefore, can not be overestimated.

Who knows the power resources of our country?

Nobody. Many guesses have been made. For example, on the Tennessee the highest estimate was 1,900,000 horsepower, and a careful, detailed study, authorized by Congress, has shown that outside of Muscle Shoals the Tennessee River has 58 dam sites and more than 3,000,000 horsepower available. The same results, in proportion, may be found in other sections of the country. It appears that 72 per cent of the power now developed in this country is east of the Mississippi River, while 79 per cent of our potential power is in the West. This study or survey will point the way for capital interested in power development; it will show the potential power existing throughout the various sections of the country, and will not only mean the conservation of power resources but show the best plan for developing and using our inland streams to their maximum capacity for navigation, flood control, and irrigation as well.

Mr. DEMPSEY. Will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. DEMPSEY. Just as business has developed at Niagara, where we can develop 3,000,000 horsepower and supply a more beautiful and wonderful waterfall than we have ever had in all the history of Niagara.

Mr. McDUFFIE. Mr. Chairman, let me call attention to one more thought I have, and that is the vast use of our inland streams, connecting channels, the lake and coast harbors. Last year we carried on our water courses and our harbors more tonnage than ever before in the history of this Nation. That tonnage was carried at a saving to the producer and the consumer of many times the amount carried in this bill. Shall the greatest and the richest Nation in the world, worth some four hundred billions of dollars, hesitate to spend a few more million dollars in a work that is so all important as this? Last year we appropriated nearly four billions for the expenses and all governmental activities. Out of every dollar we used only 12½ mills for river and harbor development. If you put 540,000,000 tons of commerce in railroad cars, 30 tons for each car, you would have 18,000,000 carloads. This vast tonnage had a value of more than \$27,000,000,000. Shall we hesitate? We can find money enough to put \$7,000,000 and more down here on the Avenue, to buy or condemn a building and to build for the Department of Commerce.

Mr. MADDEN. Seventeen and a half million dollars.

Mr. McDUFFIE. Yes; but you raised the original ten millions seven and a half million dollars, and the amount you found for that raise is what I am talking about now. I do not know where it came from, but I know it appears mighty easy for the Appropriations Committee sometimes to find ample money for other purposes, while they blue-pencil appropriations for something that is bringing a return to the Public Treasury.

Mr. MADDEN. It was not so easy.

Mr. McDUFFIE. Well, it was done, and for Lord's sake let us get this amount raised a little.

Mr. OLIVER of Alabama. And does the amount carried in the gentleman's amendment correspond with the recommendation of the engineers?

Mr. McDUFFIE. Yes.

Mr. OLIVER of Alabama. Did the engineers in making their recommendations take into account the additional projects added since the \$50,000,000 was agreed on?

Mr. McDUFFIE. Yes. I have just read a list of those. The engineers were authorized to submit a \$50,000,000 budget, or did submit those figures to the Budget Office. They had estimated \$56,000,000 in round numbers, but without reason, without giving any excuse the Budget Office blue-penciled \$5,886,000, and said that was as much as we could have for river and harbor work. The committee, of course, followed the Budget. We know the committee likes to follow the Budget and the members do also. We appreciate the work done by that splendid gentleman from California [Mr. BARBOUR] and his colleagues on this subcommittee, but none of us are infallible. The subcommittee made a mistake in not providing amounts in accord with the engineers' estimate. Let us provide in this bill sufficient funds to carry on properly this important work for the benefit of all the people of the entire Nation. [Applause.]

Mr. HUDSON. Mr. Chairman, it seems to me that we are losing sight in this discussion of the real meaning of this amendment. It is not a question of whether this Congress is in favor of developing further river transportation and navigation. The

whole question is as to whether the amount carried in the bill will economically and judiciously forward work on inland navigation as well as keep intact the harbors of the coast and the Great Lakes. All of us believe with the chairman of the Committee on Rivers and Harbors that this is a great problem that is before us, but we sometimes wonder just where he was talking when he made that speech. It made me think of a laborer we had on the farm, when I was a boy, who used to come into the corn field with his overalls on hind-side first, because he said he wanted the wear on both sides.

The bill appropriates \$50,000,000 and they say they want more in this amendment because they want to finish certain work. Look at these figures on page 147 of the hearings, part 2, which show from year to year the balance that the engineers have to work on. The balance they say on November 1, 1927, was \$56,428,534, and taking out the outstanding liabilities there was left an available balance on that date of \$37,291,932.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. HUDSON. In just a moment.

Mr. McDUFFIE. I want to give the gentleman the exact figure.

Mr. HUDSON. Gentlemen on the other side will say that has been allocated. General Jadwin further says, in another place in the report:

We find we can take these items and through wise discretion change them onto projects that ought to be finished first.

In other words, there is a balance of \$37,000,000 which under the wisdom of the engineers can be placed anywhere in the completion of a project. On page 136 he says:

We have eight or nine times as much work authorized by Congress to be done as we have money available each year for new work, so it gives us quite a good deal of discretion in the matter. We try to go over them all very carefully and recommend what we think is needed on those that are needed the most.

We might increase this amendment by several million dollars, instead of by \$6,000,000, and we would not meet all of the demands of these projects.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. HUDSON. In a moment. The gentleman from Alabama [Mr. McDUFFIE] cited these various projects, suggesting that this State should lose so much and that State so much and so on. In the 46 projects there is a difference between the \$50,000,000 and the \$56,000,000 in round numbers of \$2,000,000. The Chief of Engineers, General Jadwin, says in a report that it is often found that a project started will not warrant its completion, because there is not enough commerce to warrant it. You can not tell whether this project allocated here in this report will ever go to completion even if we give the other additional \$6,000,000.

I read further from the hearings on page 159:

Mr. BARBOUR. Will the appropriations carried in this bill enable you to carry on the work as expeditiously as heretofore, or possibly even to a greater extent than heretofore, because of the fact that you have a better organization, a better program, and a more smoothly working machine?

Major ROBINS. Yes, sir. With the \$50,000,000 we have had for the last few years, \$50,000,000 for next year would enable us to keep our organization intact and our machine going smoothly. It will enable us to carry on the work at the same rate that we have carried it on for the last year.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield there?

Mr. HUDSON. In a moment. Just one more statement. Now, Mr. Chairman, there is only one item in this that I am concerned about, and that is in the \$50,000,000 from which they are taking the item for a survey. That must be taken out of the \$50,000,000, and I will offer an amendment to cover that amount, namely, \$2,000,000.

The CHAIRMAN. The time of the gentleman has expired. The Chair would like now to recognize some gentleman in favor of the amendment.

Mr. CHALMERS rose.

The CHAIRMAN. The Chair will recognize the gentleman from Ohio.

Mr. CHALMERS. Mr. Chairman, this amendment in itself is not of paramount importance, and is important only in this, that the Committee on Rivers and Harbors and those Members of the House who are in favor of the proper development of water transportation feel that they should give notice to the Budget authorities and to the Committee on Appropriations.

tions that they must plan for a sufficient appropriation to take care of the river and harbor projects within a period of five years.

We can not say that we can not afford it. Why, the farmer might just as well say that he could not afford to buy seed corn or seed wheat. I want to say this to the membership of the House: It is a small matter, but we of the Great Lakes States expect to come before the House in a short time for a large appropriation to deepen the lake channels. I introduced a bill in the House about two years ago for a 25-foot channel for the Great Lakes. That bill will probably be reported by the committee within a very few weeks. That project will possibly run into a total of approximately \$60,000,000, and if we accomplish it in a five-year period it will cost approximately \$12,000,000 annually.

Who can say we can not afford it? The chairman of our committee has stated this afternoon that we handle freight on the Great Lakes at a mill per ton-mile. What does it cost on the railroads? More than ten times that amount.

Mr. DEMPSEY. And three times as much on the sea and five times or six times as much on some of the inland waterways.

Mr. CHALMERS. I want to call your attention to the record of 1923 on the Great Lakes. There were 367 lake freighters locking through the Soo Canal and the St. Marys River. I want to give you the draft and the possibilities of these freighters. There were 367, disregarding the class below 2,000 tons. The average cost per ton on all of the tonnage hauled by these freighters amounted to 88 cents; 88 cents a ton for the haul, and the average haul was 801.3 miles. Now, I have figured the capacity of those 367 boats. They were built for greater service than they were able to perform. They were built, or some of them at least, for a draft of 24½ feet, but they were compelled to accommodate themselves that year to an 18¾-foot draft. If we had had a sufficient channel in the Detroit River, at the Limekiln Crossing, the Livingston Channel, in the St. Clair Flats, in the St. Marys River, and the West Neebish Channel, if we had had a sufficient depth, these 367 Lake freighters could have carried 26,000,000 tons additional freight. That additional amount could have been carried with the same crew, the same officers, the same men, and I want to say that the 88 cents a ton covers the loading and unloading of the freight except coal. Before I get through I hope to show that the cost of loading and unloading coal can be almost disregarded. What would have been the saving in actual dollars and cents if we had had the draft to accommodate these big boats?

Let us see what it is worth in dollars and cents, 26,000,000 tons additional and 88 cents a ton. Let us throw off 13 cents for the loading and unloading of coal, and that is ample. I have stood on the bank of the Maumee River and have seen the Hocking Valley and the New York Central derricks load coal into lake freighters. I have seen them load 260 tons of coal in three minutes. Those derricks pick a car right off of the tracks, elevate it, turn it upside down, and drop the coal into the hold of the ship, set the car on the tracks again, and the car will automatically go up an incline and away out to the yard miles away.

Two hundred and sixty tons of coal loaded into a lake freighter every three minutes, and that means 110,000 tons of coal every 24 hours. So 13 cents a ton will amply cover the additional cost of the loading and unloading of the coal. Then we have a clear profit of 75 cents a ton for every ton of extra freight loaded on these 367 boats, which amounts to \$25,350,000 a year—not for all time, but for each year. And what is it going to cost to complete the project of the bill for deeper ship channels for the Great Lakes? From Buffalo to Duluth, a distance of 1,000 miles, to Chicago, and to all of the intermediate ports, what is it going to cost? Sixty million dollars, and an annual profit of over \$25,000,000. When you add the Lake Michigan tonnage to that of Superior it gives us 33,800,000 tons. So that the entire tonnage saved will be 33,800,000 tons, which, figured at a profit of 75 cents, would amount to \$25,350,000.

Do you tell me we can not afford that expenditure for approximately 50 per cent profit each year? So I want to say to the Membership of the House that while this is a small matter on this bill, it will, under the plans of our committee, require an expenditure to complete these projects in a five-year period of approximately \$75,000,000. We are to-day simply laying the foundation for future water transportation policy. I thank the committee.

Mr. TABER. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The Chair is trying to hold the balance even, politically as well as geographically.

Mr. HASTINGS rose.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. HASTINGS. Mr. Chairman, I think I may say that there is no man in the House who is more deeply interested in flood control than I am. I am interested in the internal development of our country. I do not want to throw an obstacle in the way of it. I am for the internal development of my country, and I have sought on the floor of the House during my brief membership here, to promote that object, and I have voted every dollar of encouragement where I thought the money would be expended for internal improvement.

This amendment is to add \$5,886,310 to the \$50,000,000. My understanding is that out of this \$50,000,000, \$1,500,000 will go for certain surveys that are allocated.

Mr. McDUFFIE. If we have this amendment adopted \$2,000,000 will be spent for surveys.

Mr. HASTINGS. That is the point I am coming to. If this amendment is adopted, \$2,000,000 will be allocated to surveys of certain rivers and streams.

Mr. HUDSON. Mr. Chairman, will the gentleman yield there for a suggestion?

Mr. HASTINGS. Yes.

Mr. HUDSON. I propose to offer an amendment that will take care of that proposition.

Mr. HASTINGS. I am not voting on future amendments. I am voting on this pending amendment. The point to which I want to invite attention is the injustice of this allocation. I represent in part the State of Oklahoma. That State is a typically Western State. It is deeply interested in the development of the Arkansas River. Let us see what this amendment will do to the second largest tributary of the Mississippi River, next to the Missouri River. Under the \$50,000,000 as it stands in this bill a million and a half dollars is allocated to surveys. I invite your attention to pages 156 and 157 of the hearings. Out of that there is allocated to the Arkansas River and its tributaries for surveys what? Fifty thousand dollars. If we adopt this amendment, then I understand \$2,000,000 will be taken out of it for surveys. Let us look at the Arkansas River. It gets \$50,000 under the one, and if you add the amendment it gets \$50,000 out of the \$2,000,000. Most other streams get increases for surveys.

Now, Mr. Chairman and gentlemen of the committee, I am not going to stultify myself by sitting on the floor of this House and permit this discrimination against one of the great rivers of the country, and I am not going to vote for any amendment which does not do justice to the Arkansas and to all other streams.

Mr. ABERNETHY. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. ABERNETHY. Does the gentleman think he can help the Mississippi flood situation by cutting out \$150,000 for a project of mine and vote me out because the gentleman will not get a few dollars more?

Mr. HASTINGS. I will answer that in this way, that we have sat here in patience for years and years; we have tried to lift up our voices for one of the great streams of this country, and we are not going to sit idly by any longer. The voice of the Arkansas River is going to be heard upon this floor, and we are going to demand that justice be done the Arkansas River along with the other streams.

I have been appealing in every way I can for justice to be done to the Arkansas River. Next to the Missouri River, it is the longest tributary of the Mississippi. It is 1,460 miles long. It rises in Colorado and flows through Kansas, Oklahoma, and Arkansas, emptying into the Mississippi. Appropriations were made to improve the Arkansas River as far back as 1832 and as far up the river as Wichita, Kans. This major tributary of the Mississippi has been held navigable by the Government for a hundred years. It was actually navigated as far up as Fort Gibson, which is opposite Muskogee, for 75 years. When railroads were built through the country transportation on the river fell into disuse. During the past few years little, if any, appropriations have been made for snagging or keeping the channel open or revetting its banks. During my first term in Congress we succeeded in getting an appropriation of \$235,000 for the Arkansas River in Arkansas and Oklahoma. We were not able to force the engineers to expend any of this money on the Arkansas River in Oklahoma. I know that the river is navigable, provided a reasonable amount of money is expended in opening up and keeping clear the main channel of the stream.

Let us examine the allocations found on pages 156 and 157 of the hearings on this bill. I am inserting the tables found in these two pages, which are as follows:

Tentative allotments for fiscal year 1929 for surveys of streams in the interest of navigation, flood control, power development, and irrigation (H. Doc. No. 398, 69th Cong., 1st sess.)

Stream	On basis of \$1,500,000	On basis of \$2,000,000
St. Croix.....	\$5,500	\$7,400
Machias.....	4,000	5,000
Union.....	3,000	4,000
Penobscot.....	15,000	20,000
Kennebec.....	12,000	17,000
Androscoggin.....	8,000	10,000
Presumpscot.....	3,000	4,000
Saco.....	5,500	7,400
Kennebunk.....	3,000	3,700
Salmon Falls.....	4,000	5,000
Merrimeck.....	12,000	16,500
Taunton.....	1,000	1,000
Pawtucket.....	1,000	1,000
Pawcatuck.....	1,000	1,000
Thames.....	1,000	1,000
Connecticut.....	11,500	11,500
Housatonic.....	1,500	1,500
Hudson and tributaries.....	37,300	37,300
Lake Champlain.....	700	700
Poultney.....	1,500	1,500
Otter Creek.....	2,500	2,500
Boquet.....	1,000	1,000
Ausable.....	300	300
Saranac.....	300	300
Big Chazy.....	2,700	2,700
Winooski.....	3,300	3,300
Lamoille.....	2,700	2,700
Missisquoi.....	2,600	2,600
Raritan.....	5,000	11,000
Delaware and tributaries.....	50,000	68,000
Susquehanna.....	9,000	12,000
Potomac.....	48,000	64,000
Patuxent.....	6,500	9,000
Rappahannock.....	9,500	13,000
Pamunkey.....	10,000	13,500
James.....	6,500	8,700
Roanoke.....	6,200	8,300
Meherrin.....	1,300	1,500
Neuse.....	4,500	6,000
Tar.....	1,000	1,500
Monongahela.....	6,400	8,500
Ohio.....	2,600	3,500
Beaver.....	1,000	1,500
Muskingum.....	13,000	17,000
Little Kanawha.....	8,000	11,000
Big Sandy.....	7,500	10,000
Guyandot.....	15,000	20,000
Kanawha.....	16,000	22,000
Miami.....	7,500	10,500
Licking.....	8,000	11,000
Kentucky.....	500	500
Salt.....	1,800	2,500
Green and barren.....	12,000	16,000
Wabash.....	34,000	45,000
Tradewater.....	1,200	1,500
Rainy.....	2,700	3,600
Kawishiwi.....	1,000	1,400
Vermilion.....	3,000	4,000
Little Fork.....	3,300	4,500
Big Fork.....	3,300	4,500
St. Louis.....	1,100	1,500
Pigeon.....	1,600	2,200
Brule.....	1,400	1,900
Temperance.....	700	950
Poplar.....	700	950
Baptism.....	700	950
Beaver Bay.....	700	950
Cascade.....	700	950
Gooseberry.....	700	950
Devil Track.....	700	950
Manitou.....	700	950
Bad.....	2,600	3,500
Montreal.....	1,300	1,800
Cape Fear.....	7,500	10,500
Yadkin-Pee Dee.....	3,000	4,000
Santee Basin.....	3,000	4,500
Savannah.....	2,600	3,500
Altamaha and tributaries ¹	3,200	4,200
St. Marys.....	600	1,000
Satilla.....	600	800
Suwannee.....	1,500	2,000
Withlacoochee.....	2,500	3,500
Mobile, including Coosa and tributaries ¹	60,000	68,000
Apalachicola.....	25,000	46,000
Pearl ¹	25,000	28,500
Tombigbee and tributaries ¹	40,000	54,000
Warrior and tributaries ¹	35,000	42,500
Calcasieu.....	7,500	10,000
Amite.....	5,200	7,000
Tickfaw.....	3,700	5,000
Tangipahoa.....	3,000	4,000
Chefunte.....	2,200	3,000
Bayou Nezpique.....	3,400	4,500
Bayou Teche.....	1,500	2,000
Guadalupe.....	5,000	12,500
Red ¹	51,000	51,000
Onachita.....	25,000	25,000
Yazoo and tributaries ¹	24,000	24,000
St. Francis.....	10,000	10,000
Arkansas and tributaries.....	50,000	50,000

¹ Added by Congress.

Tentative allotments for fiscal year 1929 for surveys of streams in the interest of navigation, etc.—Continued

Stream	On basis of \$1,500,000	On basis of \$2,000,000
Mississippi and minor tributaries.....	\$35,500	\$43,000
Meramec.....	8,000	11,000
Iowa.....	4,000	4,000
Des Moines.....	3,000	3,000
St. Croix.....	5,700	7,000
Chippewa.....	3,300	4,000
Wisconsin.....	33,000	42,000
Missouri and tributaries.....	70,000	80,000
Cumberland.....	71,000	97,000
Tennessee.....	100,000	100,000
Allegheny.....	9,000	12,000
Amnicon.....	700	950
Sturgeon.....	1,200	1,600
Carp.....	700	950
Manistique.....	3,500	4,700
Menominee.....	8,000	11,000
Peshigo.....	2,500	3,500
Oconto.....	2,500	3,500
Wolf.....	7,500	9,700
St. Joseph.....	10,000	13,500
Kalamazoo.....	4,700	6,300
Grand.....	10,000	13,000
Muskegon.....	3,700	5,000
Manistee.....	5,600	7,500
Illinois.....	40,000	54,500
Eel.....	8,500	16,000
Mad.....	5,000	9,000
Klamath.....	15,000	25,000
Sacramento.....	12,000	16,000
San Joaquin.....	16,000	22,000
Kearny.....	4,000	5,000
Columbia.....	57,000	116,000
Cowlitz.....	1,000	1,500
Lewis.....	1,000	1,500
Willamette.....	7,000	10,000
John Day.....	2,000	9,000
Snake.....	25,000	60,000
Skagit.....	14,000	21,000
Stillaguamish.....	7,000	13,000
Snohomish.....	7,000	20,000
Chehalis.....	5,000	12,000
Puyallup.....	5,000	10,000
Total.....	1,500,000	2,000,000

Without this amendment it will be noted there will be allocated to the Arkansas River \$50,000. With this amendment adopted there will be allocated to the Arkansas and its tributaries only \$50,000. That is what I object to. There is a discrimination against the Arkansas River. There are innumerable small streams mentioned in this table not known out of the county through which they run, and practically every one of them gets an additional amount for a survey if this amendment is adopted.

Take the first one, for instance, the St. Croix. As the bill now stands it gets \$5,500. If the amendment is adopted it gets \$7,400. The Arkansas River, the second most important tributary of the Mississippi, gets not a single dollar additional if this amendment is adopted. Let us take the Cape Fear River. It gets \$7,500. If the amendment is adopted it gets \$10,500. Let us take the important River Tickfaw. It gets \$3,700. If the amendment is adopted it gets \$5,000, or an increase of \$1,300. Who knows where this stream is? Then let us take the Amite River. It gets \$5,000. If this amendment is adopted it gets \$7,000. Search your geography for this river. Let us take the Missouri and its tributaries. It gets \$70,000. If the amendment is adopted it gets \$90,000. Take nearly all of the other items; the same increase applies. I am not complaining against the amount appropriated for the Missouri and its tributaries, but I do not propose to sit on the floor and permit the Arkansas to be longer discriminated against, and until justice is done to the Arkansas River I want to serve notice upon the Members of the House that I am not going to vote for increased allocations for other streams without allocations for the Arkansas River. My State and district are deeply interested in flood-control legislation. I will go as far as any Member of the House in making adequate appropriations for surveys and flood control. I favor river and harbor improvements, and I favor the use of the rivers of our country to cheapen freight rates, but I will not longer sit silent and permit the Arkansas River to be thus discriminated against. The Board of Engineers might as well know that now. Major Putnam in 1915 made an illuminating report, urging additional appropriations for improvements on the Arkansas River. It can be made navigable, and in my judgment it is a mistake not to do so. It is urged that I can get this another year, or out of another appropriation. That does not satisfy me. I have heard that long enough. What we want on the Arkansas River is an adequate appropriation to carry forward the work now. If we do our duty with the Arkansas River and this river is restored to its usefulness, we

need not fear but what the coming generation will continue adequate appropriations for it. I want to urge, and repeat again, that no one in Congress is more interested in the internal development of our country than I am; but the members of the Committees on Rivers and Harbors and Flood Control have to be made to understand that the Arkansas River is on the map, and that we must have appropriations for it, and that justice must be done this river while appropriations are being made for the other streams throughout the country. The time to get these appropriations is when bills like this come up for our consideration. I am going to continue to urge as strongly as I may the importance of this river, and, of course, in order to get it improved we must make adequate appropriations for surveys so that correct estimates may be submitted for appropriations.

Mr. TABER. Mr. Chairman and gentlemen of the committee, I realize it is not a popular thing to come here and oppose an increase in appropriations. Personally I favor the improvement of our rivers and harbors just as rapidly as it can be done in decency and appropriate enough money to reasonably take care of them, but I do not see any sense in going beyond that.

We have heard a little bit about the survey item. I call your attention to the statement of General Jadwin and Major Robins on page 155 of the hearings. In the preliminary allocations of their \$50,000,000 they allocated \$1,500,000 for surveys, but they kept back about \$3,000,000 to be allocated later. General Jadwin says that that \$1,500,000 can very readily be increased to \$1,800,000 or \$2,000,000. That is the survey end of the situation.

I want to go into the status of funds. On pages 158 and 159 you will see that in June, 1925, they had an unexpended balance of \$69,471,000 and liabilities and contracts amounting to \$21,500,000, or a net amount in the Treasury of \$47,900,000. In June, 1926, they had an unexpended balance of \$72,433,000 and contracts and liabilities of \$17,000,000, or a net unexpended balance of \$55,000,000, an increase of \$8,000,000 over the year before. In June, 1927, the unexpended balance in the Treasury was \$81,000,000, contracts and liabilities \$25,000,000, net \$56,000,000, an increase of \$1,000,000 over the year before. On July 1, 1926, they had unallocated sums from the year before of \$668,000. On July 1, 1927, they had unallocated sums of the year before of \$2,167,000, an increase all the time.

We are not in a position where we need to increase this appropriation to let them go on in decency with the work. I want to call your attention to one part of the authorization act, which is now section 621 of the code:

Any public work on canals, rivers, and harbors adopted by Congress may be prosecuted by direct appropriations, by continuing contracts, or by both direct appropriations and continuing contracts.

Which is practically an authorization for the entering into of any work which needs to be done immediately.

I want to call your attention to one other thing. These contracts and these projects can be carried on much better than they could in the years before, because now the department and the contractors have available a great lot of equipment suitable for the projects and they can do a lot more work with the same money. Taking all this into consideration, I think we have carried enough in this appropriation bill and that it should not be increased.

Mr. WILLIAM E. HULL. Mr. Chairman and gentlemen of the committee, I simply want to answer some of the statements with reference to the amount of the balances which the gentleman who preceded me and the gentleman from Michigan [Mr. HUDSON] said were in the Treasury. We brought General Jadwin before our committee and we asked him about the present balance, which is about \$69,000,000. Remember, that when he made that report it was July, 1927. In that \$69,000,000 was the \$50,000,000 that you appropriated last year. Consequently, when you run around to July 1, 1928, you will have spent the \$69,000,000, with the exception, probably, of a balance of from \$10,000,000 to \$20,000,000, which is necessary to run the business. In other words, put it on a business basis. If you are running a wholesale business you have got to have a balance in the bank of \$20,000 or \$30,000 that you can check against. In a business of this kind, where you are spending \$50,000,000 a year, you have to have a balance that you can check against in order to keep your contracts going. This is necessary from a business standpoint, and you can not do business without money. In carrying on this work, if you allowed them to go along in any other way, then by July 1, 1928, the Treasury account they are drawing against would be out of funds. So they are dependent upon the appropriation you are talking about for next year's river and harbor work.

As far as I am concerned, I can get along with the Illinois River and take the reduction. It does not make any difference to me personally, but if you are going to complete these projects, then you must have more money; and, as the gentleman

from New York [Mr. DEMPSEY] has told you, we ought to appropriate at least \$65,000,000 a year until we can catch up and get these projects done. If you continue to do it the way you are doing it now, you will waste more by delaying the projects than you will gain.

Let us take the Missouri River as an illustration. Under the proposed plan of \$55,886,310 we can probably have the Missouri River dredged so that we can use boats on it in three years' time and give the farmers of the West the opportunity of shipping their grain over that waterway.

Mr. HUDSON. Will the gentleman yield?

Mr. WILLIAM E. HULL. I can not yield now.

Therefore I say that letting this thing drag along with small appropriations is on the same principle of a man deciding to build a house and contracting with me to go ahead and build a house for \$10,000, but when I have completed the house up to the point of plastering it he would then say to me, "We will not plaster until next year." Would there be any common sense in holding up the construction of a house a whole year because you did not want to plaster it? The same thing is true with respect to this river and harbor proposition.

We had on January 1, \$46,000,000 unexpended. Seventeen million dollars of that amount has already been allocated, leaving a balance of \$29,000,000 which they will have to use for other projects between now and July 1.

I am making this speech more with the idea of clarifying the thing, if I can, in a common-sense way, and to show that on July 1, 1928, if you did not appropriate any more money, you would be practically out of funds entirely.

Mr. BRIGGS. Will the gentleman yield for a question?

Mr. WILLIAM E. HULL. Yes.

Mr. BRIGGS. Is it not true that the Chief of Engineers reported that for last year they carried over the waterways and through the harbors of the United States, including the Panama Canal, commerce of over 500,000,000 tons, valued at over \$26,000,000,000, the greatest ever carried in the history of this country.

Mr. WILLIAM E. HULL. That is true.

Mr. BRIGGS. Showing the port development and the necessity of transportation facilities within the country.

Mr. WILLIAM E. HULL. Yes.

Mr. ABERNETHY. Mr. Chairman and gentlemen of the committee, I shall only detain you a few moments. I want to address my remarks to this side of the House for the time being, and particularly to the gentlemen who were in the great controversy involving the Illinois River and the lake diversion last Congress.

The gentleman from Alabama [Mr. McDUFFIE] in the facts and figures which he gave here, shows that unless this increase is made, the continuation of the inland waterway beginning in my district is cut to the extent of \$150,000 this coming year. This cripples for several years the completion of that great inland waterway.

You gentlemen of the Missouri River territory, you gentlemen of the Illinois River territory, you gentlemen who want to carry through this flood-control program for the Mississippi River, and to the gentleman from Oklahoma who is not satisfied with this amendment because he is not going to get \$100,000 but \$50,000—think of the situation on the rivers and waterways in my country. We do not get a cent for any survey unless this amendment is passed and are cut \$150,000 on the inland waterway appropriation. The gentleman from Oklahoma gets \$50,000 for surveys in any event. We have stood with you people on the Mississippi River, we have stood with you on the Missouri River, we have stood with you on the Illinois River, and now we ask you to stand with us on this proposition if you expect us to stand with you in the future. [Applause.]

Mr. NEWTON. Mr. Chairman and gentlemen, we have just heard from "the boys," or at least one of "the boys" on the Arkansas River who seemed to favor this proposition but was not going to vote for it. You are now going to hear from one of "the boys" on the Mississippi River who is in favor of the amendment and is going to vote for it. [Applause.]

Mr. MADDEN. If the gentleman will permit, some one has said here that the murmur of the waters of the Arkansas flowing down to the Everglades is like the singing of the birds.

Mr. NEWTON. I understand so, but I would like to have it articulated here with a little different kind of note.

Here is the way I look at this proposition, and it is the way I have tried to look at each and every one of these rivers and harbors appropriations for the last several years. We have a policy that has been established by Congress, a legislative policy of authorizing certain projects.

Under the law it is the duty of the Chief of Engineers to study these projects and to annually advise us just how much

money he can economically expend in a given year in carrying out the policy of Congress.

During the past several years we have had considerable trouble here in the House in getting the appropriation up to the estimate of the Chief of Engineers. If my recollection serves me correctly, for some two or three successive years the Budget estimates were substantially less than the estimates of the Army engineers. Congress felt that it had laid down the legislative policy and that there should be appropriated sufficient moneys so that that policy could be put into effect. We in the House felt that the judgment of the Army engineers was better than that of the Director of the Budget. On those successive occasions the appropriation was increased so as to conform to the estimates of the Army engineers.

We did not want to override the Budget; neither did we think that the Budget ought to override the express wish of Congress. Happily an understanding was entered into by the rivers group with the executive branch of the Government about two years ago. This understanding in substance called for the completion of the then authorized projects in a period of five years, with an annual appropriation of \$50,000,000 for that purpose. As a result of that understanding provision was made for \$50,000,000 two years ago with a like sum one year ago.

During the last Congress we passed a new rivers and harbors authorization act. It was the first one of its kind for years. We authorized additional projects aggregating an expenditure of \$72,000,000. I voted for that bill, and when I did so I did not have the idea that I was making a mere gesture in favor of the development of our inland waterways. To me it was the commencement of an additional program of river improvement, the commencement of which was to be in the immediate future and the completion of which was to come along in due time. It did not occur to me that the passage of that legislation was going to result in decreasing the expenditures upon existing projects. Certainly no one supporting that measure had any such thought. Congress was announcing a supplemental program of rivers and harbors construction, and we naturally thought it was going to be carried out.

Mr. HUDSON. Will the gentleman yield?

Mr. NEWTON. I can not yield until I complete my statement, if the gentleman will permit, and then I will be pleased to yield.

Mr. Chairman, I certainly counted upon the cooperation of the Budget in the carrying out of this express policy of Congress. However, when we came back here this fall we found out that no additional provision had been made for the commencement of any one of these projects. The Budget called for only \$50,000,000. This clearly meant that either the earlier program was to be slowed up, or that no work whatever was to start on any of the new projects. This was disappointing. Then, as I looked into the question more closely, I learned that as a matter of fact the Budget was not even recommending for existing projects the sum of \$50,000,000, which had been recommended one year and two years ago.

Heretofore it has always been the practice to carry a blanket sum for the projects—this has been \$50,000,000 the last two years, as I have said—and an additional sum for the survey items. Whatever was appropriated for surveys was in addition to the sum appropriated for projects. It will be observed that the Budget this year recommended \$50,000,000, which was to cover both projects and surveys. Now, the surveys that the Army engineers contemplated making this year and which had been authorized by Congress called for an appropriation of nearly \$2,000,000. Therefore, if this appropriation is to stand as it is, the appropriation for the projects that Congress has authorized will have been cut down approximately \$2,000,000 less than what they were one and two years ago. This means that we can not even carry out the five-year program that was in existence when the understanding was entered into.

Are we for the improvement and development of our inland waterways or not? Are we merely playing with this proposition? I feel this way about it: The legislative branch of the Government, with the approval of the Executive, has announced the policy. Having announced that policy, we ought to pass an appropriation bill which will carry it out. I have examined the hearings and it is perfectly clear from the testimony of General Jadwin that he and his assistants feel that if this policy of Congress is going to be carried out in an efficient and economical way that the appropriation ought to be \$55,800,000. When General Jadwin so reports, he does so with the full appreciation of the responsibilities of his position. He knows the situation. He knows what his job is. He knows where his equipment is, where his help is located. He ought to know more than anyone else how this program can be economically and efficiently carried out if the policy of Congress is to be carried out.

I believe in the development of our inland waterways. There is not a day hardly but what information comes to me of the extreme desirability, if not necessity, to the industrial and agricultural interests of the Middle West for cheaper and more adequate transportation. The products of our farms come into competition on our eastern and western coasts with the farm products of foreign countries. These countries have a cheap ocean freight haul to our coast, whereas our farmers have an expensive railroad freight haul. Therefore I want to see these projects which Congress has started finished just as soon as they can be economically finished.

Mr. HUDSON. Does the gentleman think the addition of \$6,000,000 is a proper ratio for the \$72,000,000? If you will make the basis of the change \$72,000,000, I will vote for ten or fifteen million dollars to do it.

Mr. NEWTON. Here is the situation: We are never going to complete these projects unless we get the money, and we have not got the money this year that we had two years ago. Let me ask the gentleman, Does he think that in this bill we ought to take less than we had a year ago and less than we had two years ago?

Mr. HUDSON. No—

Mr. NEWTON. Then the gentleman very clearly ought to vote for our amendment. [Applause.]

Mr. HUDSON. No; because the engineer has said that the machinery set up could use \$50,000,000.

Mr. NEWTON. Oh, no!

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. BRIGGS. Mr. Chairman and gentlemen of the committee, anybody who has read the hearings before the Appropriations Committee with reference to river and harbor items ought to be convinced that the amount of \$50,000,000 is altogether insufficient.

Mr. Robbins, for the Chief of Engineers, testified that with an annual appropriation of only \$50,000,000 it would take eight or nine years to complete the new work now in sight.

This appropriation of only \$50,000,000 proposed by the committee denies the completion of new projects within a reasonable time as outlined by the Chief of Engineers. Of course, Members of Congress must know that these balances in the hands of the Chief of Engineers which we have been hearing about are not surplus funds which can be added to the appropriation carried in this bill. They are balances not available to new authorized projects; they are balances which represent commitments already made; obligated funds and funds yet to be allocated for maintenance and carrying on river and harbor work throughout the remainder of the whole fiscal year ending June 30, 1928.

When you state that a large balance existed on the 1st of November, you must remember that the engineers have to carry through project work until the 1st of July out of that appropriation. It must be further remembered the engineers tell you that they can not do as much work in the colder season of the year as they are able to do in the warmer season, and they do practically double the work in the summer months that they do in the winter months. If you test your balance in the winter, you are taking out of the equation that feature which is so sharply emphasized by the engineers.

It seems to me penny-wise and pound foolish to be postponing the completion of these projects adopted by the Congress, and which represent urgent need of the improvements authorized.

The Chief of Engineers calls attention in his testimony to the fact that where they have plans ready to carry through this work it means an actual loss to the Government not to carry them through in accordance with the plans as contemplated. He says, page 152 of the hearings:

If that plant is not employed continuously somebody has to pay for it, and in the long run the Government must pay for it in the cost of the work, because you will get less work for the money. From our experience in the past we have found that when the appropriations were dropped they were discontinued, and it is hard to get the work done at the right prices under those conditions.

Not a great many of our citizens probably are familiar with the tremendous commerce moving over the waterways of the Nation, and through its great ports.

The 1927 report of the Chief of Engineers, United States Army, page 3, volume 2 of such report, reflects that the commerce of the United States during the calendar year 1926 amounted to the vast total of 540,500,000 tons, valued at \$26,722,000,000, which the Chief of Engineers, in his testimony before the Appropriations Committee of this House, further stated was the greatest amount of commerce ever before carried in the history of this country.

There is probably no service by the Government which has produced greater returns for the people than is exemplified in the great river and harbor projects of the Nation.

Without the existence of deep-water ports the great foreign or coastwise trade of the United States could never have been developed to anything like its present proportions.

Foreign goods moving through such national gateways as Galveston, Texas City, New Orleans, Mobile, Savannah, Charleston, Norfolk, Baltimore, Philadelphia, New York, Boston, Seattle, Portland, San Francisco, Los Angeles, and other great ports, are paying custom duties into the United States of over \$500,000,000 a year.

In addition to such enormous sum in custom receipts so collected, the great river and harbor national gateways have exercised a tremendous influence in the reduction of freight rates to and from the ports, and have further resulted in the rapid development and increased wealth of the territory within the States contiguous or adjacent thereto.

The United States engineers have officially indicated that the creation of the great port of Galveston has resulted in rate reductions amounting from \$10,000,000 to \$20,000,000 annually; a saving to the people in one year of the total cost of the river and harbor improvement at Galveston throughout its whole history.

The Chief of Engineers has indicated plainly that, if the proposed river and harbor appropriation for all the waterways of this country is not increased from \$50,000,000 to \$55,000,000, the completion of the new work authorized in the last river and harbor bill, with other projects, will be materially delayed.

Instead of being able to allocate the sum of \$621,000 for completion of the 32-foot project at Galveston within the next year, the Chief of Engineers has notified Congress that only \$550,000 can be allocated to this most important improvement at the port of Galveston, which has recently attained the distinction of handling more than a billion dollars of commerce in one year.

In the last eight years commerce through the port of Galveston has practically doubled; and when Congress last year learned how great and increasing a service it was performing for the Nation, and particularly for the southwestern part thereof, and how great a need for an even deeper channel existed, it directed an increase of the project depth in Galveston Channel as well as an increased depth in Galveston Harbor. It is urgent that the money for this and other projects authorized should be provided with the least possible delay, so that such projects can be promptly carried to completion.

The testimony of the Chief of Engineers and his assistants have demonstrated beyond question that funds on hand are only sufficient to carry on the work estimated for in the last Army appropriation bill, and that it is absolutely essential that the customary reserve be maintained in order that the engineers will at all times have some funds on hand with which to meet unexpected and very serious situations in the maintenance of the river and harbor work of the United States.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. BRIGGS. Yes.

Mr. McDUFFIE. As a matter of fact, at the end of each fiscal year the only money unallocated by the engineers is the amount of approximately \$5,000,000, which they must keep for emergency purposes.

Mr. BRIGGS. Certainly; they must have a reserve fund, and they testified in these hearings that if they had not done that, they could not have carried through the relief and survey work which they did on the Mississippi last summer after that terrible flood. The Congress of the United States was not in session, and there was no source to which they could turn except to the reserves held by the engineers, and through the use of those reserves the work was accomplished.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. BRIGGS. No. I am sorry I can not. My time is too limited.

Mr. HUDSON. I would like to call attention to the fact that "allocated" is not "contracted."

Mr. BRIGGS. I understand that perfectly, but the allocation of these funds to other projects delays matters. The great Intercoastal Canal has allocated to it a sum of money, and they are waiting now only for the rights of way. If you transfer that allotment to some other project, you will have seriously delayed the completion of that great project. You are not carrying out your program, but you are procrastinating and delaying your program by such a course, and this Congress ought to adopt this amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BARBOUR. Mr. Chairman, I do not think there is anything that I can say at this time that will change anyone's

vote on this amendment. It is one of the river and harbor proposals which always bring a big crowd to the floor of the House, and always cause more or less enthusiasm; but there is no occasion for any enthusiasm on the part of the average Member interested in river and harbor projects in this amendment. My good friend from Ohio [Mr. CHALMERS] made a fine speech about the Great Lakes and the necessity for the deepening of the channels and harbors of the Great Lakes. If this amendment is adopted, the Great Lakes are not going to get any of it to speak of. The amount that would go to that section of the country would not make a ripple in a fish pond, let alone do any good to the Great Lakes. The amount that would go to the great majority of the projects in this country that you gentlemen are interested in would not make any difference at all if you should get any of this \$5,586,310. What are they going to do with this money if the amendment is adopted? You will find at page 294 of the hearings General Jadwin said:

It was my further intention, had the \$5,000,000 increase in the appropriation been approved, to allot from that about \$2,000,000, so that they would have pretty close to \$5,000,000 instead of \$3,000,000 allotted the coming year.

He was talking about the Missouri River between Kansas City and the mouth. Two million dollars of your \$5,000,000 is going into that one project.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. No. General Jadwin further said:

Allotting the remaining \$3,000,000 of the \$5,000,000 to other works would then have given approximately the same ratio in which the \$50,000,000 is allotted; since the \$50,000,000 is divided, about \$20,000,000 in the Mississippi system and about \$30,000,000 to the Great Lakes and the works on the three coasts.

According to that statement the Missouri River below Kansas City is going to get \$2,000,000 and the whole Mississippi system is going to get about \$1,300,000 of the \$5,585,000 in addition to what it will get under the \$50,000,000, and then all of the rest of the country, the Great Lakes included, I will say to my friend from Ohio, and all of the Atlantic coast and all of the Gulf coast, down in my friend McDUFFIE's section of the country, and all of the Pacific coast—

Mr. McDUFFIE. It does not affect my district at all.

Mr. BARBOUR. I have not yet yielded. All of these sections of the country are going to get about \$2,300,000. Gentlemen, what do you expect to get in this division of the \$5,558,000? Ninety-five per cent of you are not going to get any benefit worth mentioning. Major Robins testified before the committee that the only thing the \$50,000,000 will not do is to enable them to rush certain important projects that there is a great demand for. So if you get your additional \$5,558,310 the only thing which they can do which they could not otherwise do would be the rush of a few of the projects.

Mr. CHALMERS. Mr. Chairman, the gentleman has referred to me. Will he yield?

Mr. BARBOUR. Yes.

Mr. CHALMERS. I just wanted to say this, that we of the Great Lakes are looking to the future.

Mr. BARBOUR. Well, that is a good time to look to, and not the present, in regard to this appropriation.

Mr. HUDSON. And if the House will adopt my amendment, it takes care of that very thing that the gentleman speaks of?

Mr. BARBOUR. Absolutely.

Mr. HUDSON. That \$2,000,000.

Mr. BARBOUR. Gentlemen, there is a regular, businesslike way of doing this. The committee has been appropriating for the last two or three years \$50,000,000 a year for rivers and harbors. A few years ago the appropriation bills for the War Department carried \$40,000,000 a year for river and harbor work. Then there came before the committee certain Members of the House who were interested in the waterways of this country.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BARBOUR. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARBOUR. These gentlemen came before the committee. They did not represent the Rivers and Harbors Committee; they did not represent anybody, probably, but themselves; but they told the committee that if it would increase the appropriation to \$50,000,000 a year all of the work that was necessary to be done would be taken care of. I know the answer to that is that since that time we have authorized new projects. Then the businesslike way of handling those new prospects is to go

through the Budget and come here to Congress with estimates. If we now tie onto this bill this additional \$5,586,310 for certain favored projects, it is going to establish a precedent that will do us no good in the future, because when a river and harbor appropriation comes in hereafter it will not go through with orderly consideration, but everyone who has a favorite project will then have this precedent before him for adding to the appropriation and tying his favorite project onto the bill.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. McDUFFIE. The gentleman stated that nobody would get any benefit with the exception of one or two projects.

Mr. BARBOUR. Well, say three or four.

Mr. McDUFFIE. I want to call the gentleman's attention to page 151 of the hearings, where practically \$2,000,000 is taken off the projects adopted in the last bill, to say nothing of the projects existing when the later projects were adopted.

Mr. BARBOUR. For surveys?

Mr. McDUFFIE. Not altogether for surveys.

Mr. BARBOUR. But there were many of these projects that did not deserve very much consideration anyway. I am discussing the matter of where this \$5,558,000 is going. It is going to a few favored projects, and the rest of the projects are not going to get any benefit from it at all worth mentioning.

Gentlemen, you are soon coming to this Congress with a program for flood control, to cost anywhere from \$275,000,000 to \$1,250,000,000, according to the estimates that have been submitted. Congress is going to meet that problem, and I confidently believe that Congress is going to provide a program for adequate relief. It is going to cost a lot of money. Why not take up this matter in a businesslike way instead of gouging here and there for particular projects? Why not wait and meet that problem when it comes, and take care of all projects in a businesslike manner?

Mr. MOREHEAD. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. MOREHEAD. The gentleman spoke of the Missouri River, as I thought, in a rather light way.

Mr. BARBOUR. No. I think that is one of the important projects before us.

Mr. MOREHEAD. I want to say that the States bordering on the Missouri River produce 45 per cent of all the agricultural products in the United States, and that particular section of the river which we hope will be made navigable will enable us to secure a reduction in the cost of transportation. The people of that section now are paying the highest freight rates, and we think it would be of great benefit to the agricultural interests of the country if that improvement were made.

Mr. BARBOUR. I had no intention of speaking lightly of the Missouri River, because in my opinion the project below Kansas City is one of the most important in the country.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. WILLIAM E. HULL. Is it not true that if we have the \$5,558,000 granted we deduct 10 per cent off all the projects?

Mr. BARBOUR. That means that when we allocate to these different projects, 10 per cent will be deducted for contingencies.

Mr. WILLIAM E. HULL. As a rule all the projects that are included now will be affected.

Mr. BARBOUR. That will provide even less money for the Great Lakes.

Mr. WILLIAM E. HULL. The gentleman stated nobody will get any benefit from this. I say they will all get benefit from it.

Mr. BARBOUR. I say the average run of river and harbor projects throughout the country will not get any benefit from this amendment worth mentioning.

Mr. WILLIAM E. HULL. I disagree with the gentleman on that. I think all will benefit from it.

The CHAIRMAN. The time of the gentleman from California has expired. All time has expired.

Mr. HUDSON. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSON to the amendment offered by Mr. McDUFFIE: In lieu of the sum proposed in the said amendment insert "\$52,000,000."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HUDSON. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 45, noes 130.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama [Mr. McDUFFIE].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. MADDEN. Mr. Chairman, I demand a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 140, noes 40.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MUSCLE SHOALS

For operating, maintaining, and keeping in repair the works at Dam No. 2, Tennessee River, including the hydroelectrical development, \$275,000, to remain available until June 30, 1929, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers.

The CHAIRMAN. Without objection, the Clerk will be authorized to correct the spelling of the word "expended" in line 15, page 79.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Eastern Branch, Togus, Me.: Current expenses, \$57,500;

Subsistence, \$113,000;

Household, \$105,000;

Hospital, \$72,000;

Transportation, \$500;

Repairs, \$35,000;

Farm, \$26,000;

In all, Eastern Branch, \$409,000.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent to correct the spelling of the word "subsistence" in line 17 of page 83.

The CHAIRMAN. Without objection, the Clerk will make the correction in the spelling.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Marion Branch, Marion, Ind.: Current expenses, \$57,000;

Subsistence, \$260,000;

Household, \$105,000;

Hospital, \$1,006,000, of which sum there shall be available immediately \$600,000 for the construction of three cottages, with an aggregate capacity of 200 beds, and \$100,000 for the construction of a sanitary fireproof annex to the present hospital with a capacity of 50 beds, including on account of each of such projects the construction of such necessary approach work, roadways, and other facilities leading thereto, heating and ventilating apparatus, furniture, equipment, and accessories as may be approved by the Board of Managers of the National Home for Disabled Volunteer Soldiers. The Secretary of the Treasury, upon request of the Board of Managers, may have all architectural and inspection work in connection with the work herein provided for performed by the Office of the Supervising Architect of the Treasury Department and the proper appropriations of that office may be reimbursed from this appropriation on that account;

Transportation, \$1,000;

Repairs, \$55,000.

Mr. LUCE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. LUCE. Mr. Chairman, not a few Members of the House are interested in the program of hospital construction now being considered by a subcommittee of the Committee on World War Veterans' Legislation. I speak at this point in order to call your attention to the anomalous situation presented by the items here for support of the hospitals connected with the 10 National Homes for Disabled Volunteer Soldiers, commonly spoken of as the soldiers' homes. The hospital items amount to \$2,902,000, being almost exactly one-third of the total for the homes—\$8,500,300. Omitting the construction item of \$700,000 for the home at Marion, Ind., from both figures, they would be, respectively, \$2,200,000 and \$7,800,300, making the hospital maintenance cost 28 per cent of the whole. There are in these hospitals about 1,735 Veterans' Bureau patients—that is, World War veterans. In the haste of the war several of these hospitals were built on the grounds of soldiers' homes as a matter of convenience. They and their occupants are not now under the jurisdiction and control of the Veterans' Bureau, as they should be. By reason of this the bureau can not use all the hospital resources owned by the Federal Government to the best advantage of the suffering victims of the World War.

Better classification of patients could be made, more beds would be available where most needed, the convenience of friends and relatives of patients could be more subserved, less expenditure for new construction would be required—in short, the needs of World War veterans could be more efficiently and more economically met if all the hospital facilities owned by the Government should be brought under one control. I am taking this opportunity to inform the Members of the House that the possibility of legislation to this end is under consideration by the subcommittee of the Committee on World War Veterans' Legislation that is studying the hospital-construction program, and to bespeak for it the attention of the House in case it should be reported.

Mr. MADDEN. Is the gentleman going to make a motion to strike out the item in this bill?

Mr. LUCE. Not at all. It is simply a pro forma amendment.

Mr. MADDEN. I thought perhaps the gentleman wanted to cut the bill down.

Mr. LUCE. No. I do not desire to disturb the appropriation. I was informing the House that an attempt may be made to get the approval of the House for some method of meeting the situation. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Total, Panama Canal, \$8,660,000, to be available until expended.

Mr. McSWAIN. Mr. Chairman, I move to strike out the last two words, and ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McSWAIN. Mr. Chairman, ladies and gentlemen of the committee, I have not read the bill for agricultural relief of the distinguished gentleman from Texas [Mr. CONNALLY], but if it does undertake and look to accomplish the object he has in mind, it will be a godsend and a blessing to the farm people of the country, because it will help not only the producers of cotton but the lesson it will teach will be of untold value to the producers of agricultural commodities throughout the Nation and the world.

Let me call your attention to this remarkable fact: There is no exchange for dealing in speculative margins on any products under the sun save the products of the farmer. Now, think of that! Just as a mere matter of pure logic and reason you would think that the speculation would be in the commodities which are ready for the market, ready to sell, ready to use, and you would think that the speculation would be in shoes and not in hides; you would think the speculation would be in shirts and not in raw cotton; you would think the speculation would be in oil and not in the raw cottonseed; you would think the speculation would be in flour already for use and in the barrel or in the sack and not in the wheat in the elevator. Yet, as a matter of fact, there is no speculation on any of the finished products. What would happen if there should be set up in New York or Chicago or Pittsburgh an exchange to speculate on future marginal contracts relating to steel? How long would such an exchange be able to pay the rent, much less the other overhead expense of an exchange that proposed to deal in steel? Who fixes the price of steel? The manufacturers regulate it, of course, by the slow process of supply and demand. In order that the great plants may not be completely shut down they will slowly, under conditions, let down the price to satisfy the consuming public, but no class, whether steel producers or shoe producers, clothing producers, flour millers, or other finished-product manufacturers, is subject to the fluctuating, irrational, vacillating prices that are produced by speculative marginal futures contracts.

Now, why have they picked out from all the producers of the world those who produce the raw products of the farm? Because of the simple fact that the farmer in his unorganized, solitary state of production is unable to defend himself from the fluctuating prices that the purely speculative futures contract imposes upon him. He is utterly helpless. Therefore those who have not spun yet are clothed in raiment and fine linen at the expense of the fellow who has produced it, who has labored, who has cooperated with God in the bringing into existence of something which was not. They take advantage of him who is helpless as he stands before the arbitrary, artificial, economic forces of combined financial power, just as he was helpless as he stood when God sent the hail or sent the windstorm or sent the flood or sent the drought. He stands helpless, solitary, alone in his distress against the combined forces of nature and of man.

Why, it seems to me, my friends, if there is anything that the power of government ought to do, it is to reach out with a strong arm and protect against those who seek to profit from the labors of the man who has stood alone to bring into existence that which was not, and which are necessary to man's life, and to save him and to protect him from these fluctuations, these unnecessary, these unjust fluctuations that the combined power of wealth can bring to bear down prices when they use the money that they can borrow on short-term loans with the securities which are the property of the people themselves, to wit, their own products, thus using our crops to depress the prices. [Applause.]

The pro forma amendment was withdrawn.

The Clerk read as follows:

In addition there is appropriated for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year 1929, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

Mr. COLLINS. Mr. Chairman, I have an amendment at the Clerk's desk.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: On page 92, line 22, insert a new paragraph, as follows:

"Without authorization by Congress no part of the funds appropriated by this act shall be expended in the transportation of any portion of the armed forces provided for in this act to the territory of a foreign country over which the United States does not now possess sovereign jurisdiction."

Mr. BARBOUR. Mr. Chairman, I make a point of order against the amendment on the ground that it is legislation, and particularly call attention to the first four words of the amendment.

The CHAIRMAN. The gentleman from California makes a point of order against the amendment. Does the gentleman from Mississippi wish to be heard?

Mr. COLLINS. I think it is a limitation on the appropriation, Mr. Chairman.

The CHAIRMAN. Will the gentleman cite the Chair to any precedent sustaining his contention?

Mr. GARRETT of Tennessee. Mr. Chairman, it seems to me it is clearly a limitation upon the funds carried in the bill. The first four words to which the gentleman has called attention do not change the character of it at all and do not make it legislation in any way. The meaning of it is that no part of the appropriations made in the bill shall be used to pay for the transportation of troops within a certain area therein defined. The words "without authorization of Congress" do not change the character of the limitation.

The CHAIRMAN. The gentleman, of course, realizes that aside from the four words which were specially called to the attention of the Chair it is clearly a limitation couched in the usual language of a limitation. Whether these four words affect the case is, of course, the question.

Mr. GARRETT of Tennessee. I do not see how they possibly can.

Mr. MOORE of Virginia. Mr. Chairman, I would like to suggest, in emphasizing what has just been said by the gentleman from Tennessee [Mr. GARRETT] that the point of order can not be well taken with respect to the words in question for this reason: If the words were not used, nevertheless it would be implied and recognized that Congress has full jurisdiction. The use of the words, therefore, can not in any substantial way affect the proposal that is covered by the amendment.

If the words are used "without the authority of Congress," it is expressly stated that the subject is entirely within the power of Congress to be dealt with as it thinks proper. On the other hand, if the words are not used, it is equally the case that the subject rests with Congress to deal with it as it may think proper. Accordingly, there is an utter absence of logic in the proposition raised by the point of order.

Mr. BARBOUR. It seems to me that under the present law we have authority to send troops to foreign countries without a special act of Congress. But here is the point that occurs to me: The amendment might be construed so that we could not send a military attaché abroad, and that would clearly be a change of the law which authorizes the sending of military attachés, who are a part of the armed forces. An Army officer in active service who is designated as military attaché is a part of the armed forces of the country.

Mr. MAPES. Mr. Chairman, I would like to suggest a thought for the consideration of the Chair: With the four

words referred to, can the Chair say that the amendment shows on its face that it will necessarily reduce expenditures or limit the appropriation? Does the Chair know whether or not Congress has authorized the use of the money in the way that the amendment suggests? If it has, then the amendment would not reduce expenditures.

The CHAIRMAN. Does the gentleman have in mind that already under existing law Congress may have fully authorized the Executive to send armed forces to these countries, and that even though the amendment passed carrying these four words he would still have the same authority to send these forces abroad?

Mr. MAPES. For all that the Chair may know, I doubt whether the Chair can say that on its face the amendment is a limitation of appropriation, because the law already may authorize the President to do that very thing.

The CHAIRMAN. That may be true, but it seems to the Chair that that fact would not affect the ruling. The question is whether under the guise of a limitation an attempt is here made to enact legislation or to change existing law. With such examination as the Chair has been able to make, he is not able to find a decision that would warrant holding that including these four words would so change the law. Therefore the Chair overrules the point of order.

Mr. COLLINS. Now, Mr. Chairman, I would like to see if we can not agree on some time to discuss this amendment?

Mr. BARBOUR. How would five minutes on a side suit the gentleman?

Mr. COLLINS. I would like at least 30 or 40 minutes.

Mr. BARBOUR. We can not finish the bill to-night if we take such time to discuss an amendment under the 5-minute rule. I would consent to 10 minutes on a side.

Mr. COLLINS. But there are a half dozen Members on this side who want to speak.

Mr. BARBOUR. I am willing to agree to 10 minutes on a side.

Mr. COLLINS. This is a very important amendment, and there are at least a half dozen Members on this side that want time, and I think we will consume more than that time, in my opinion, under the five-minute rule.

Mr. BARBOUR. We have been very liberal on this bill. There has been no request for time on the part of anybody that has not been granted. This is the sixth day we have spent considering this bill. Every man who has asked for additional time has had it without objection. We are coming to the point now where we ought to finish the bill, and we are within two pages of the end. Any reasonable request will not be objected to.

Mr. COLLINS. Will the gentleman say 20 minutes on a side?

Mr. BARBOUR. No; I will consent to 15 minutes on a side.

Mr. COLLINS. Well, we will take the 15 minutes.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and all amendments thereto be limited to 30 minutes, 15 minutes to be used by those supporting the amendment and 15 minutes by those opposed.

The CHAIRMAN. The gentleman from California asks unanimous consent that debate on the paragraph and all amendments thereto be limited to 30 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDDLESTON. Mr. Chairman, the Constitution of the United States clothes Congress with the exclusive function of declaring war. The purpose of this amendment is to reassert that constitutional responsibility.

The tendency is growing in this country for the absorption by the Executive of the powers that belong to the legislative branch of the Government. The tendency is increasing for the President not to ask the consent of Congress whether he shall carry on war, but to proceed on his own initiative to use our armed forces in military enterprises in foreign countries. Shall we allow that practice to increase, or shall we ask for a return to the fundamental principles of a democratic government, which clothe the representatives of the people with the right to say when our country shall go to war?

The tendency is to leave to Congress merely the poor function of declaring the legal state of war, while the Executive proceeds to do the things which bring on war and to take actions to conduct that war. It is now within the technical power of the President to send our armed forces to any part of the world if he may choose. To-morrow he may send them for an invasion of Canada, or he may send our fleet to bombard London. He has the technical authority to so complicate our affairs by a pernicious military activity as to virtually make of himself a dictator and to bring us into conflict with the whole world. The founders of the Republic never intended to place such powers in the Executive. They are powers which

those who love the Constitution and intend to abide by its spirit will never accord to the Executive.

This amendment will curb the arbitrary power of the President to make war without the consent of Congress. If there be any among us who believe in the American system, a system of divided responsibility, in which each branch of the Government shall be separate within its own sphere and function, I ask them, Will you not now vote to show your faith?

Are you willing that the President shall make war without the consent of Congress? If you are, then let things go as they are. If you are willing to abdicate your sworn responsibility as representatives of the people, then vote against this amendment. But if you believe in Americanism, if you hold to the fundamentals on which our country was founded, if you adhere to the faith of the fathers, then I beg you do not forget it now. [Applause.]

Mr. NEWTON. Mr. Chairman, this amendment is an attempt under the guise of a limitation upon an appropriation bill to restrict and limit the President of the United States in the discharge of a constitutional duty. It is an attempt to have Congress do indirectly what it could not constitutionally do directly.

Under our Constitution the executive powers of Government are granted to the President. He is made the Commander in Chief of our Army and Navy. In my judgment, this is in effect a violation of the constitutional powers of the Commander in Chief.

Furthermore, Mr. Chairman, it is clear that this is aimed at the President in the present effort he is making to bring order out of chaos and to protect American life and property in one of the Central American countries. There is no one who has been to any of those countries that we have occupied for portions of the time who has not been impressed with the character of the work of our Navy and marines and our other armed forces. We have as a Nation a great responsibility, one that we do not merely fulfil at the water's edge. We have responsibilities by reason of the position that we occupy in this hemisphere. This amendment is an attempt to thwart the President of the United States in the effort that he is making, honestly making, in accordance with his ideas of the powers that are conferred upon him to bring order out of chaos in that country.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. OLIVER of Alabama. I, of course, know not what the intent of others may or may not have been. The effect of this amendment, however, would not in any way interfere with the sending of marines to Nicaragua, because this amendment refers to the Army and can only refer to the Army.

Mr. NEWTON. The gentleman is correct; but can the gentleman cite an instance where the present President of the United States has ever sent members of the Army to any foreign country in violation of law?

Mr. OLIVER of Alabama. The language of the amendment recognizes the right to send them where Congress has authorized them to be sent. For instance, they may be sent to Tsientsin, China. There is a treaty authorizing the President to send them there. This in no way interferes with any legal authority now existing authorizing him to send the Army abroad.

Mr. NEWTON. Does the gentleman hold the opinion that the President of the United States is going to send the Army of the United States where he is not authorized to send it, under the law and the Constitution?

Mr. OLIVER of Alabama. Since the gentleman asks me the question, may I say that I have no way of knowing whether he intends to do so or not. So far as I am advised, he has not done so; and so far as I know he has never sent the Army where he was not authorized to send them.

Mr. NEWTON. Then why the occasion for offering this amendment at this time?

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. No; I can not yield. Under the Constitution the President of the United States is the Commander in Chief of the Army and Navy, and it is his business to use the Army and the Navy in accordance with that Constitution and the laws of the land. Of course, he can abuse those powers.

The Constitution conferred great powers upon the President. These powers can be used or abused. That is true of any person in any public office or private position of trust and responsibility. For that reason the President must answer to the people every four years, and to further guard against abuse of power he is made subject to impeachment.

Mr. Chairman, this is not the first time that a President of the United States has been called a dictator. They repeatedly said it of Lincoln, and I presume it has been said of several

others from Lincoln to Wilson. But the mere assertion of the charge did not prove the case. Every Member of this House knows that no just charge of that kind can be made against the present President of the United States. And every citizen knows it also.

At this time, when the Republics of this hemisphere are gathered together in conference in Habana to promote cordiality and good will, with representatives of both of our great political parties in attendance as delegates, it ill behooves this Congress or any Member thereof to attempt to embarrass the President in the discharge of his constitutional duties. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, the only possible objection that I could conceive of being offered to this plain declaration of policy would grow out of a possibility that an emergency might arise at some time when the Congress is not in session, and that, to my mind, is not a sufficient reason to justify a vote against this declaration of policy.

Armed intervention of a nation in the affairs of another is war. [Applause.] And any condition that might arise serious enough to justify armed intervention surely is serious enough for the President to ask the counsel of Congress, the constitutional war-declaring part of the Government of the United States. For that reason I have no hesitation whatsoever, standing upon the Constitution of my country, in declaring here in this bill that which I believe to be the law now, which I believe ought to be respected, the organic law of the Republic.

It is not a particular reflection upon the present Executive. I have said before and I say again that I respect the Executive. I respect his office and I respect his person. But as a Member of Congress, charged with a duty to the Constitution itself, I, too, have a right as long as I am a Member to have some voice in saying whether the facts in regard to life and property in another nation justify the sending of the armed forces of my country to intervene in the affairs of another nation.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield for a question?

Mr. GARRETT of Tennessee. Certainly.

Mr. WAINWRIGHT. On the 31st of January, as I remember, the gentleman from Vermont [Mr. Gibson] made a speech here where this question was involved, wherein he recited, as I remember, 21 cases arising between the year 1895 and the year 1921 where armed forces of the United States had been used outside of the continental limits of the United States for the protection of American life and property, and many of those cases happened when Congress was not in session, most of them being cases of great emergency. Would the gentleman go so far as to say that in cases of that kind, where the situation was sufficiently serious to justify the President of the United States to send our armed forces for the protection of our citizens, he should not have that power?

Mr. GARRETT of Tennessee. Mr. Chairman, I can make it no stronger, I think, than I made it a moment ago, anticipating that that very question might be asked, or at least might be in the minds of some gentlemen. If there is a situation existing in any country serious enough to justify the sending of armed forces—an act of war—it is serious enough to warrant the calling of Congress in session and having it take action on the matter. [Applause.]

Mr. FRENCH. Mr. Chairman, I am opposed to the pending amendment because it involves a proposition that ought to be considered not as an amendment to a great appropriation bill but as an independent proposition referred to an appropriate committee.

No one questions that the war-making power of the Government is rightly vested in the Congress of the United States. No one seeks to disturb the organic law of the country or to modify the time-honored policy of our Government in respecting the organic law. Here is an amendment, however, that is not limited to the uses of the military forces of the United States as agencies of war, but goes so far as to prevent the administration from using the military forces of the United States conceivably in an emergency for the maintenance of peace, for the protection of lives and property of American citizens, and for the preservation of orderly conduct of peoples where otherwise war might ensue.

I doubt not that the proposed amendment is aimed at the administration on account of present conditions where it has been believed necessary by the administration in the preservation of peace to use armed power.

Within the few moments at my disposal it would be impossible for me to begin to outline the situation. This very fact suggests that a proposition so broad as that proposed in the amendment should not be considered under the five-minute rule on a bill to which it does not pertain and at a time when

Members generally were not aware that such an amendment was to be proposed.

Generally speaking, the people of the United States have trusted the national administration of whatever party might be in power with discretion in the use of armed forces of the United States for the preservation of peace and order when war was not conceivable and when the use of the armed power has at times been within the United States and at times been within the territories of other countries, where for the time being orderly processes of government had been stayed.

Only a few years ago it was my privilege to visit Santo Domingo, where were stationed a limited number of the armed forces of the United States. Santo Domingo was then, as now, an independent Republic. The limited number of armed forces of our Government, members of the Marine Corps, had been in Santo Domingo maintaining peace and order since 1916. Just prior to their landing in Santo Domingo a coup d'état had occurred which had resulted in the overthrow of the President of the Republic. That was in April, 1916. This revolutionary action was followed by wild lawlessness, and marine forces of the United States were promptly landed, suppressed the uprising, and brought about a condition of orderly processes of government that meant the saving of human life, of citizens of the United States, of citizens of the Republic of Santo Domingo, and of citizens of other nations of the world. The very presence of the marines on that occasion meant peace, not war. Gentlemen of the House, the event to which I refer occurred during the time that the Presidency of the United States was filled by a man belonging to the party of those in this Chamber who are seated on my right, President Wilson. During the balance of the administration of President Wilson and during the administration of President Harding and well into the administration of President Coolidge marines of the United States were maintained in Santo Domingo in carrying out the policy that the Wilson administration believed meant for order, for peace, for humanity.

May I mention another illustration?

A few years ago I was in Haiti, at Port au Prince, and I remember that as I was being driven through one of the streets of the capital of that neighboring Republic there was pointed out to me the building and grounds that had been occupied by the French legation in 1915, and it was pointed out to me that from that home of the French minister to Haiti the President of that little Republic on a night in July, 1915, was seized and assassinated and his body dragged through the streets, from which law and order had fled.

This was part of a debacle that meant the destruction of hundreds of human lives and the utter abandonment of security. Not only was there no protection for citizens of Haiti but the life of no foreign citizen was more secure.

Within two hours after the desperate act of murdering the President had been committed the marines of the United States had landed from a cruiser. Civilization superseded anarchy, and order was restored. [Applause.]

Woodrow Wilson was President of the United States. Gentlemen of this House, we do not know at what moment some disaster may occur in some place where the responsibility should be assumed by one of the strong nations of the world to restore and maintain order.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Not now.

Not only was prompt action taken then, but under the same administration and the succeeding administrations of two different Presidents, under the policy of two political parties, the power of the United States has been present in Haiti for the maintenance not of war but of peace. [Applause.] We were there not for the purpose of destroying life but for the purpose of saving the lives of men, women, and children, at an hour when the hand of Haitian authority had failed.

The responsibility for peace was upon any civilized country; the United States, if you please, and President Wilson did not shrink. More than that, in bringing about peace and stability the Wilson administration and the two succeeding administrations have followed a common program.

Mr. OLIVER of Alabama. Had this amendment been written into the Army appropriation bill at that time, it would not have interfered with the President in the exercise of that authority?

Mr. FRENCH. Oh, no; because these were marines that were sent there. But the proposition is no different here. Soldiers and marines are both part of the armed forces of the United States. Mr. Chairman, we do not know the day or the hour when in some part of this world of ours mob rule may wipe out orderly government for the time being. The demands of humanity may call for any nation at hand to assume respon-

sibility. Indeed, in the two illustrations to which I have briefly referred—Santo Domingo and Haiti—if the Government of the United States had not interfered some other nation, in all probability, would have assumed the prerogative that was assumed by our Government, and would have protected the lives of men, women, and children at a time when government had been superseded by mob rule. The amendment should not prevail. [Applause.]

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. MOORE of Virginia. Mr. Chairman, I was never freer from any spirit of partisanship in dealing with any matter that has come before the House in my time than I am now. I have not the slightest inclination to visit criticism upon the President of the United States. From what has just been said by the gentleman from Idaho it is quite apparent it would be in vain to try to make this a party question. He has referred to the action of the administration under a Democratic President as well as under Republican Presidents. I believe we ought to treat this proposal very coolly and very deliberately and without any partisan excitement whatever.

Now, what is designed? The amendment seems to have been very carefully worded so as to maintain the authority of the administration to send troops to any nation where the United States is entitled to exercise jurisdiction as, for example, to Cuba and to the Panama Canal Zone. It is simply, as has already been so strongly stated by the gentleman from Tennessee, an attempt to maintain the general principle governing the division of the powers of our Government by asserting and clarifying the power of Congress, so as to have that power less confused than it now is with the power of the Executive. It does nothing more than say that unless the legislative branch of the Government acts, the transportation of troops to another nation shall not be permissible—no more permissible than to declare or wage war in a technical sense without congressional authority.

It is a mere platitude to remark that when the Constitution was framed and adopted the war power was exclusively lodged with Congress upon the fullest consideration of that matter. Is there any gentleman here who wishes Executive practices to continue enabling thoughtful and reasonable men to think and say that the Executive is going a bow shot beyond what was contemplated at the outset in the way of exercising war powers? There is very much discussion of that question in the country and I think we would serve the public interest and tranquillize the situation by removing the opportunity and necessity for any such discussion.

I have looked back over a long stretch of history during which the Executive has sent forces to other nations. I have listened to the illustration just given by the gentleman from Idaho. Taking into account that transaction and all other transactions which have occurred, I fail to find a single instance in which it would not have been entirely possible to obtain the opinion of Congress before the action was taken. Forces can only be sent for one purpose—and no administration has claimed to the contrary—namely, for the purpose of protecting American life and property, not the life and property of a ruler of Haiti or the life and property of other people. I ask gentlemen to cite a case—any case pertinent to the present issue—in which it would not have been entirely possible for Congress to have expressed its view in advance of armed forces being sent abroad.

During a regular session Congress can, of course, act promptly. And should a President at any other time conceive that an armed force should be sent to the territory of another nation, there will be no difficulty in bringing about an extra session. In this day the means of communication and travel make that an easy thing to do.

The opponents of the amendment talk of emergencies, but shall we take counsel of our fear that in some imagined instance events may disastrously outrun the ability of Congress to act? And how unwise it is to stress the inconvenience and expense which may attach to waiting upon action by Congress, and for that or any other reason be willing to continue on a course of gradually but pretty swiftly permitting the Executive to determine under what circumstances hostilities shall be commenced and carried on—activities having all the characteristics and aspects of war, notwithstanding the war power is vested in Congress and nowhere else. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. BARBOUR. Mr. Chairman, this is not an amendment that should be incorporated in an appropriation bill. It is an amendment that affects our foreign policy. It is a question that should be considered by the Committee on Foreign Affairs and brought before the House in the regular way, considered at

length, and the Members of the House fully advised as to what they are voting on. It should not be dragged in here as a rider, you might say, on an appropriation bill. This is no time anyway for legislation of this kind, legislation which is intended to hamper the President of the United States in matters which are now lodged in his discretion, especially when our representatives are gathered with those of our sister Republics of the Western Hemisphere at Habana trying to work out a plan by which we can all dwell in peace and harmony and in a state of mutual respect and good will. I say this is no time for the legislative branch of our Government to be injecting a provision of this kind into an appropriation bill. It seems to me that this amendment might be so construed as to even prevent our sending military attachés abroad. I see the gentleman from Mississippi smiling. It might even go so far, I will say to the gentleman from Mississippi, as to prevent our sending Army teams to the Olympic games next year in Europe. Then it would be ridiculous. Who knows when our forces might be called upon to go into a foreign country and upon foreign soil?

Mr. HOCH. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. HOCH. If a marauding band should cross the Mexican border and this amendment were in effect, it would prevent American troops from pursuing those marauders across the border.

Mr. BARBOUR. Absolutely.

Mr. MILLER. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from Washington.

Mr. MILLER. I might also suggest the Chinese situation which developed a short time ago.

Mr. BARBOUR. Yes; and the gentleman from Kansas [Mr. HOCH] calls to mind a very memorable occasion which occurred under the administration of the last Democratic President, when marauding Mexicans did cross our border and murdered several of our own citizens on the American side of the line. If my memory serves me right, Congress was not in session at the time and our President, be it said to his credit, sent American troops into Mexico to try to capture and punish the Mexicans who had invaded our country.

Mr. GARRETT of Tennessee. That was by treaty.

Mr. BARBOUR. Suppose that should happen again when Congress is not in session. With this provision in the bill, before any action could be taken Congress would have to be called in session, consider the question, and pass legislation authorizing the President to send troops into a foreign country.

Mr. Chairman, this provision has no place in an appropriation bill. It should not be passed in this way. If anybody is conscientiously in favor of legislation of this kind, let it be brought in in the regular way and met here on the floor of the House with the arguments for and against it. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired; all time has expired. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. COLLINS) there were—ayes 71, noes 103.

So the amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. BARBOUR. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 10286, the War Department appropriation bill, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BARBOUR. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

Mr. BARBOUR. Mr. Speaker, we demand a separate vote on the Wurzbach amendment, the Speaks amendment, and the McDuffie amendment. It has been suggested that the votes be taken to-morrow. We are going to ask for roll calls. Would it be in order to-morrow to ask for aye and no votes on each of the amendments as they come up?

Mr. SPEAKS. Mr. Speaker, would there be any preference with respect to the gentlemen involved in the several amendments?

The SPEAKER. The Chair does not understand the question of the gentleman from Ohio.

Mr. SPEAKS. Have I the right, Mr. Speaker, to demand a separate vote upon the amendment which I introduced and which was agreed to in the committee?

The SPEAKER. Any gentleman may demand a separate vote on any amendment.

Is a separate vote demanded on any other amendment? If not, the Chair will put the other amendments in gross.

The other amendments were agreed to.

CONSTRUCTION OF PUBLIC BUILDINGS

Mr. ELLIOTT. Mr. Speaker, I submit a conference report on the bill (H. R. 278) to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926.

MISSOURI RIVER BRIDGE, GLASGOW, MONT.

Mr. DENISON. Mr. Speaker, there is a Senate bill (S. 1501) on the Speaker's table. I ask unanimous consent that it may be indefinitely postponed, a similar bill having passed the House and also the Senate.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill (S. 1501) on the Speaker's table be indefinitely postponed. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SEARS of Florida, indefinitely, on account of sickness in family.

To Mr. CELLER, for one week, on account of sickness.

RESTRICTION OF MEXICAN IMMIGRATION

Mr. BOX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by me at an immigration conference.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BOX. Mr. Speaker, under authority granted by the House, I submit for printing in the RECORD an address delivered by me on January 19, 1928, before the immigration conference held in Memorial Continental Hall, Washington, D. C., under the auspices of the Key Men of America, a patriotic organization composed of authorized representatives of a great number of other affiliated patriotic societies engaged in the study of immigration problems.

The address is as follows:

Mr. Chairman, ladies, and gentlemen, during the present session of Congress immigration discussion and legislation will probably center around four important questions:

(1) Shall our deportation laws be strengthened, extended, and better enforced?

(2) Shall the endless chain of relationship existing between immigrants and their kindred abroad be permitted to start dragging out of Europe thousands of those whom the laws now exclude?

(3) Shall we retain in the law the national-origins provisions, written into the act of 1924, making it more accurately and adequately serve the Nation's purpose to keep itself American, or shall they be suspended or repealed at the dictation of certain hyphenated minorities of our population?

(4) Shall the quota provisions of the immigration law be made applicable to Mexico, South America, and adjacent islands?

To this last question I shall devote my brief remarks.

The people of the United States have so definitely determined that immigration shall be rigidly held in check that many who would oppose this settled policy dare not openly attack it. The opposition declares itself in sympathy with the policy and then seeks to break down essential parts of the law and opposes any consistent completion of it making it serve the Nation's purpose to maintain its distinguishing character and institutions. Declaring that they do not believe that paupers and serfs and peons, the ignorant, the diseased, and the criminal of the world should pour by tens and hundreds of thousands into the United States as the decades pass, they nevertheless oppose the stopping of that very class from coming out of Mexico and the West Indies into the country at the rate of 75,000, more or less, per year.

Every reason which calls for the exclusion of the most wretched, ignorant, dirty, diseased, and degraded people of Europe or Asia demands that the illiterate, unclean, peonized masses moving this way from Mexico be stopped at the border. Few will seriously propose the repeal of the immigration laws during the present Congress, but the efforts of those who understand and support the spirit and purpose of these laws to complete them and make them more effective by the application of their quota provisions to Mexico and the West Indies, will be insidiously and strenuously opposed.

The admission of a large and increasing number of Mexican peons to engage in all kinds of work is at variance with the American purpose

to protect the wages of its working people and maintain their standard of living. Mexican labor is not free; it is not well paid; its standard of living is low. The yearly admission of several scores of thousands from just across the Mexican border tends constantly to lower the wages and conditions of men and women of America who labor with their hands in industry, in transportation, and in agriculture. One who has been in Mexico or in Mexican sections of cities and towns of southwestern United States enough to make general observation needs no evidence or argument to convince him of the truth of the statement that Mexican peon labor is poorly paid and lives miserably in the midst of want, dirt, and disease.

In industry and transportation they displace great numbers of Americans who are left without employment and drift into poverty, even vagrancy, being unable to maintain families or to help sustain American communities. Volumes of data could be presented by way of support and illustration of this proposition. It is said that farmers need them. On the contrary, American farmers, including those of Texas and the Southwest, as a class do not need them or want them. I state the rule as of country-wide application, without denying that a small percentage of farmers want them, and that in some restricted regions this percentage is considerable. I doubt if a majority of the bona fide farmers of any State want or need them. I have given much attention to the question and am convinced that as a state-wide or nation-wide proposition they are not only not needed and not wanted, but the admission of great numbers of them to engage in agricultural work would be seriously hurtful to the interests of farmers, farm workers, and country communities. They take the places of white Americans in communities and often thereby destroy schools, churches, and all good community life.

American farmers are now burdened with a surplus of staple farm products which they can not sell profitably at home or abroad. That surplus weighs down the prices of the entire crop in both the domestic and foreign markets until it threatens agriculture with financial ruin. Individual farmers, farm organizations, their Representatives in Congress, students of farm economics, bankers, and business men of the farming sections, all are striving to find a means of getting rid of this surplus of farm products, with its dead weight upon the price of farmers' crops. Congress is continually being urged to make appropriations to help carry the farmers' surplus, to levy taxes on farm products, to restrain overproduction, and otherwise to provide a method of getting rid of this oversupply of the farmers' leading crops. The President in his messages to Congress has repeatedly discussed this surplus and dealt with proposed remedies for it.

The importers of such Mexican laborers as go to farms at all want them to increase farm production, not by the labor of American farmers, for the sustenance of families and the support of American farm life, but by serf labor working mainly for absentee landlords on millions of acres of semiarid lands. Many of these lands have heretofore been profitably used for grazing cattle, sheep, and goats. Many of them are held by speculative owners.

A great part of these areas can not be cultivated until the Government has spent vast sums in reclaiming them. Their development when needed as homes for our people and in support of American communities is highly desirable. Their occupation and cultivation by serfs should not be encouraged. These lands and this mass of peon labor are to be exploited in the enlargement of America's surplus farm production, possibly to the increased profit of these speculative owners, but certainly to the great injury of America's present agricultural population, consisting of farmers, living and supporting themselves by their own labor and that of their families, on the farms of America.

The dreaded surplus, which already makes an abundant crop worse for farmers as a whole than a scant one, is to be made more dreadful by the importation of foreign labor working for lower wages and under harder conditions. The surplus which I have mentioned often hurts worse than a pest of locusts on the wheat crop or of boll weevil in the cotton fields.

While farmers, business interests in agricultural sections, Congress, and the President are deep in the consideration of the great problem presented by the farm surplus, and when presidential campaigns may turn on the condition and its consequences, labor importers are scheming and propagandizing for the purpose of bringing in armies of alien peons, claiming that they are needed on the farms, where they would only make the farm-surplus problem worse. If the Government tries to relieve this distress of the farmer caused by surplus production, shall it at the same time be de-Americanizing farms and farming communities and making the surplus and price situation worse by importing masses of serf laborers? Some think that agricultural prices can be sustained by a high tariff. Why have a tariff wall to keep out the products of pauper labor abroad and at the same time be bringing in armies of peons to increase the oversupply inside the tariff wall to the ruin of our own farmers?

Another purpose of the immigration laws is the protection of American racial stock from further degradation or change through mongrelization. The Mexican peon is a mixture of Mediterranean-blooded Spanish peasant with low-grade Indians who did not fight to extinction

but submitted and multiplied as serfs. Into that was fused much negro slave blood. This blend of low-grade Spaniard, peonized Indian, and negro slave mixes with negroes, mulattoes, and other mongrels, and some sorry whites, already here. The prevention of such mongrelization and the degradation it causes is one of the purposes of our laws which the admission of these people will tend to defeat.

Every incoming race causes blood mixture, but if this were not true, a mixture of blocs of peoples of different races has a bad effect upon citizenship, creating more race conflicts and weakening national character. This is worse when the newcomers have different and lower social and political ideals. Mexico's Government has always been an expression of Mexican impulses and traditions. Rather, it is an exhibition of the lack of better traditions and the want of intelligence and stamina among the mass of its people. One purpose of our immigration laws is to prevent the lowering of the ideals and the average of our citizenship, the creation of race friction and the weakening of the Nation's powers of cohesion, resulting from the intermixing of differing races. The admission of 75,000 Mexican peons annually tends to the aggravation of this, another evil which the laws are designed to prevent or cure.

To keep out the illiterate and the diseased is another essential part of the Nation's immigration policy. The Mexican peons are illiterate and ignorant. Because of their unsanitary habits and living conditions and their vices they are especially subject to smallpox, venereal diseases, tuberculosis, and other dangerous contagions. Their admission is inconsistent with this phase of our policy.

The protection of American society against the importation of crime and pauperism is yet another object of these laws. Few, if any, other immigrants have brought us so large a proportion of criminals and paupers as have the Mexican peons. If time permitted, I could present masses of authentic reports sustaining the truth of this statement. As one of a great many instances, I read a news item from the Dallas News of January 5, 1928:

MEXICANS SUFFERING FROM UNEMPLOYMENT, AGENCY MAN REPORTS

"Unemployment conditions among Mexicans in Dallas is the most acute in the history of 'Little Mexico,' A. Luna, operator of an employment agency, said Wednesday. He declared that hundreds of families are suffering severely, especially on account of the recent cold weather.

"These people are badly in need of immediate relief," Mr. Luna said, "perhaps much more relief than is now available."

Note the term "Little Mexico" used in this news item. These "Little Mexicos" are springing up in many sections in and about the cities and industrial centers and all over the Nation. Some of them are assuming large proportions, and all of them together are becoming disturbingly large.

The number of such reports coming from California, Colorado, Arizona, New Mexico, and the whole Southwest, through the press and from public and private charity organizations, is very great and covers the whole period of mass peon immigration from its beginning until now.

The statements made in connection with each of these propositions are presented to this company, containing many students of the problem and a large percentage of those with whom the present and future public welfare is a paramount consideration, with the assurance that such citizens will give further attention to the question and disprove or verify the statements made.

The volume of Mexican immigration, the attending circumstances, and the prospects for its continuance and enlargement are such as to make this an important part of one of the Nation's greatest problems. Mexico has nearly 15,000,000 people who are prolific breeders, capable of producing millions of new inhabitants every year.

Their economic condition will continue worse than ours for an indefinite time and cause their laborers to want to migrate to the United States. Under a well-known law of population, the gaps left at home by those who come from year to year will be rapidly refilled by a natural increase. Thus Mexico will become an inexhaustible source of this low-grade immigration.

Immigrants who have poured upon our shores from Europe and Old World countries have had to pay the expense of land travel in reaching foreign seaports, after which the heavy expense of ocean transportation had to be paid. Mexico's masses have only to tramp to the border. The expense of their transportation, whether paid by them or others, is trifling compared to the cost of crossing the ocean from Europe or Asia to America. The methods by which labor importers reach them and induce them to come are inexpensive and easy. The building of barriers against the flood flowing in from elsewhere must increase the inpouring from Mexico. Unless it is checked it will continue with increasing volume.

The most dangerous mass immigration now menacing us is that from Mexico.

Our efforts to deal wisely and adequately with Mexican peon immigration from the standpoint of public and patriotic interest are opposed

by the same selfish interests which have hindered all the Nation's efforts in dealing with our immigration, namely, the short-sighted, present profit-seeking interests of those who want cheap labor. If it were not for this opposition, the grave question which I am suggesting would be settled soon and the settlement made would be with a patriotic view to the public welfare now and hereafter.

If we ask Mexico, Haiti, Cuba, and South America to consent to the application of this necessary restriction, they will, of course, refuse and the evil stream will continue to pour its pollution into the mass of our population.

Efforts to obtain the consent of foreign countries to our immigration policy have been an unbroken failure throughout the history of our dealing with the problem. More than one presidential administration tried to settle the Chinese immigration question by the Burlingame treaty, in which it was recited that the right of races to migrate was inherent and inalienable. This was to apply as between the hundreds of Chinese millions and America. The United States Congress had to cut the Nation's way out of that ruinous entanglement.

Italy did not consent to our present law, but wanted to handle the subject by treaty to which her consent would be necessary, but the Constitution had vested this power in Congress, and Congress exercised it, accomplishing the Nation's purpose and helping to save its future. Other instances could be cited; one more will be enough. Japan had interests and a will concerning Japanese immigration in conflict with the interests and will of the United States. Every effort was made to avoid having America declare its will by congressional action as our Constitution contemplates. So long as we dickered with that question, consulting any but our constitutional rule, it remained unsettled and troublesome. It would have been with us yet had Congress waited for the consent of a foreign power or left that question to be settled in any but the constitutional way; but the will of America was accomplished in the manner provided by the fathers. The world did not crumble, its peace was not disturbed, but our friends of former times remain our friends, respecting us and being by us respected. Any other course would have continued the question and the irritation it caused.

These and other national experiences in dealing with the immigration problem should be recalled by the public when men say that in this instance we must consult the wishes of the people south of the Rio Grande or farther south.

Ladies and gentlemen, practically all of the reasons which have moved the United States to adopt and adhere to the policy of restricting immigration from Europe and Asia argue for the restriction of peon immigration from Mexico and the countries to the south and east. The difficulties which folly and greed have heretofore thrown in the Nation's path are being thrown in its way now. Let us hope that the people of these times and the membership of this Congress will be as wise and courageous as those who have preceded us.

LEAVE TO FILE MINORITY VIEWS

Mr. GIBSON. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. LAMPERT] may file minority views on the so-called market site bill, and that I may have the privilege also of filing separate minority views on the same bill.

The SPEAKER. The gentleman from Vermont asks unanimous consent that the gentleman from Wisconsin [Mr. LAMPERT] and himself may file separate minority views on the market site bill. Is there objection?

There was no objection.

AGRICULTURAL RELIEF

Mr. CONNALLY of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CONNALLY of Texas. Mr. Speaker, under leave granted me to extend my remarks in the RECORD, I desire to include my speech before the Committee on Agriculture on February 9, 1928, which is as follows:

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, I thank you for giving me this opportunity to make a few observations in reference to agricultural legislation, and I thank also the gentleman from Michigan, Mr. KETCHAM.

Probably most of you know I voted against the McNary-Haugen bill. I have been abused by many cooperative representatives here who are drawing pretty handsome salaries. But I have been trying to vote for the farmer, whether he belonged to a cooperative organization or not; and what I wanted to suggest to the committee this morning is that it seems to me as a Member of Congress that it is about time for this committee and for the Congress to quit fooling the farmer and really pass some practical measure that stands some chance of becoming a law.

We know when the Haugen bill was up before, a lot of gentlemen said that the President would veto it; a great many others just as solemnly, who had been down and eaten some corn cakes with the President a few mornings, were just as sure he was going to approve it. It was easy for those who voted either way to console themselves. But we know now that he did veto it and we know now that if he did have the nerve to veto it once he has got nerve enough to veto it again. It would be very easy for us to come along and say, "We will have the McNary-Haugen bill or nothing, and we will take it over and put it on the President's doorstep and let him veto it if he wants to." That will get you some farmer votes probably; it will get you the loyal devotion of some cooperatives, and a lot of them that do not understand the situation will still vote for you. But for the farmer who is on the farm that really wants some action, that is not going to get you very far as soon as he finds out the truth about the thing. That is what the "co-ops" did last year. They demanded the Haugen bill or nothing, and they got nothing.

I have been down mixing among the farmers. They are not fools; they are not all being fooled by these maneuvers of political farmers up here in Washington. There is a whole lot of difference between a high-salaried lobbyist, whose job will play out as soon as real relief is granted, and the farmer back home who works on the farm with his hands.

I know something about farming. I have got a farm myself; my wife has got a farm; and I have been on that farm this fall and up to pretty recently terracing it and looking after it and trying to put it in shape and to make it productive. You will not fool those farmers. It seems to me, as I say, that the time has come to really pass some bill that can pass, one that will not be vetoed.

Well, now, what is that bill? I want to indorse it—I want to go a little further than the bill of the gentleman from Michigan, Mr. KETCHAM; and I want to indorse in very large part what the master of the grange has said this morning. I do not agree with him about tariffs. I am a low-tariff man. But, be that as it may—he did not state his own view—the bill I have here does not look like the attitude of these farm-relief fellows from Iowa, Mr. HAUGEN and Mr. DICKINSON, who stood in the halls of Congress and wept copious tears over the high tariff running and robbing the farmer. And yet a few days ago, when they had an opportunity to vote for the McMaster resolution to reduce the tariff, they wrapped their snug garments of political fealty about themselves and voted to not have any reduction of the tariff. [Laughter.] They wept and shed tears last year about the misery and the poverty of the farmer, and said it had been caused by high tariffs, and only the other day they voted to confirm him in that misery and consign him to several more years of that misery and that poverty. So, we are not going to get anything through tariff reduction as long as we have this farm-relief crowd from Iowa running the Government. [Laughter and applause.]

Now, let us pass something practical; let us pass something that will give real relief. What will do it? I want to commend the bill of my colleague, Mr. JONES, of Texas, which is similar to the Ketcham bill.

I want to say that I was very much pleased this morning to hear the master of the grange pay my colleague, Mr. MARVIN JONES, that splendid compliment that he had shown a grasp of the farm situation that few Members of Congress had shown. I would go still further. I recently had an article in Texas Farm and Ranch, a leading farm magazine of the United States, in which I proposed this sort of a plan, and I think my colleague has the very plan in mind. I proposed the establishment of an export corporation, with a revolving fund of \$300,000,000 or \$400,000,000, or whatever is necessary, out of the Treasury, on the same plan as the McNary-Haugen bill.

Then I tied into that plan—I would tie into that this export debenture system. So that if the exporter would not pay back to that producer you were talking about, Mr. KINCHELOE, the fellow who did not belong to the cooperative, the fellow with 15 kids and 10 bales of cotton, who has got to sell those 10 bales of cotton and can not hold them; he can not wait; he does not belong to a cooperative; he can not wait until next summer; he has got to sell it now; the corporation would give him a market. I would have this export corporation, with sufficient capital, so that when the price fell below a reasonable figure, based on the cost of production, that that export corporation would get into the market and buy cotton and hold it, and then that export corporation when it exported that cotton could take the export debentures and either import the manufactured goods back on its own account or it could sell them to importers and take the money from the export debentures and put it into this revolving fund as capital account—

Mr. KINCHELOE. You would have those debentures negotiable, would you not?

Mr. CONNALLY. Absolutely negotiable. That plan would bring a raise in price to every farmer, whether a member of the cooperative or not, because that export corporation would afford healthy competition with all other exporters; it would afford a competitive market, and if the exporter bought that cotton or that wheat he would

have to pay the price that would move it away from the export corporation itself. Then I would, under the debenture system, allow the exporter and the cooperatives to have the same privilege of getting the debentures that the export corporation would have; and the reason for that is that you would then be setting up competitive agencies there, each one bidding for the farmers' product, and naturally that would stimulate the price and make it go to its highest possible level.

Mr. JONES. Mr. CONNALLY, do you not think it would take an export corporation or something similar to that to take care of this individual farmer?

Mr. CONNALLY. That is what I was saying. I want the export corporation tied right in here with the debenture system.

Mr. JONES. I think the gentleman is exactly right. I am thinking along the same line.

Mr. CONNALLY. I understand Mr. JONES has a bill that provides that in a way.

Mr. JONES. The gentleman is giving some new suggestions in connection with it, and I am glad to hear him on it.

Mr. CONNALLY. That is my idea and my plan.

That is workable. Let me show you why: The export debentures, according to the master of the grange here, would probably supplement that revolving fund of \$150,000,000 a year, would it not? And every farmer in America would get a reflection of that advance in price. That plan would add \$140,000,000 annually to the price of farm products, and on cotton 2 cents per pound, or \$10 per bale. It would not be confined to the cooperatives, because it would raise the whole commodity market. The man would not have to wait until next summer to get his returns. That would be the direct result, but the indirect result in stimulating the market would be still greater.

Let us get to one other point. Why did I vote against the McNary-Haugen bill? I voted against the McNary-Haugen bill, gentlemen, just like a great many of you voted against it, because it had that equalization fee in it. The Attorney General of the United States has said that equalization fee is unconstitutional. The law makes the Attorney General the adviser of the President on legal questions; and do you suppose any President, with any self-respect, is going to approve a bill that the Attorney General tells him has got a clause in it that is absolutely unconstitutional? If you think that Mr. Coolidge is that kind of a man, you are simply a Christian Science farm-relief man. You think you are for farm relief, but you are not. [Laughter.] That is all there is to that, if you really think that he is not going to do it, you don't know; and anybody who believes he is believes in ghosts. [Laughter.] He is not going to do it.

So, now, in that situation, what do you want to do?

Mr. RUBIN. He says he is going to do that way, anyway.

Mr. CONNALLY. The governor says he is going to do that way. So what are you going to do? Are you going to fool the farmers—are you going down home and make that same speech you made all over your district last year, painting the picture of the farmer in disaster and all that, and say, "We tried to do something"? Oh, yes; "We tried to do something, and the President would not let us do it." You can go down there and make that speech, but you are not fooling all of them.

Mr. ASWELL. Three times.

Mr. FULMER. May I ask you a question, Mr. CONNALLY?

Mr. CONNALLY. You may; yes.

Mr. FULMER. In stimulating the price under your proposition, would you not naturally stimulate production?

Mr. CONNALLY. It would not stimulate production any more than it would stimulate it under the McNary-Haugen bill.

Mr. FULMER. That is right. Do you have anything in this bill—

Mr. JONES. I will state to the gentleman that there is a provision in both bills here presented for a reduction of these debentures in the event there is an increase in production.

Mr. CONNALLY. There is a clause in both the bills to regulate the debenture certificates in amount. If it stimulates production too much you lower the debentures.

Mr. JONES. And you may take it off altogether?

Mr. CONNALLY. Yes. That has a tendency to slow it up. Whenever a man makes the statement that he wants to raise the price of the farmers' product and tries to avoid the fact that that is going to stimulate production, of course, he is in error. But what are all these bills trying to do? Raise the price, are they not? That argument that it is to raise the price is going to meet every one of you on every plan you have got, because if you were not trying to raise the farmers' price you would not be up here in this room to-day.

What else about the equalization fee? I say it is unconstitutional, and I voted against it. We tried to get you to limit the bill to \$25 per bale on cotton, but you would not do it, and gave the board power to fix it at any figure it might choose.

Gentlemen, that equalization fee is beautiful in theory. The gentleman from South Carolina asked a question there which is splendid, because the theory of the equalization fee is that this omniscient all-powerful, all-wise board is going to know just exactly when the market

requires that they pop on the fee so as to reduce production and regulate it. That is a beautiful theory. But, gentlemen, it will not work; it is not workable. To tax each bale of cotton from \$10 to \$25, and turn the farmer's money over to some one else to spend will not relieve the farmer of anything except his money. You tell me that the farmer who goes up to sell a bale of cotton or who goes up to sell a bushel of wheat—I am not talking about these professional farmers, these book farmers, who draw big salaries to agitate and propagandize. But I am talking about the fellow who raises wheat and corn and cotton. You can not tell me that he favors the equalization fee. I am talking about the man who does not belong to the cooperatives. If he wanted to join the cooperatives, he would join it. But a great many people in this country do not believe in that; they want to run their own business; they want to sell their own stuff in their own way.

I can see that fellow in Texas who has raised only about three bales of cotton. In the fall he takes a bale of it up to the gin and gets it under the sucker and begins to scratch the cotton up the blowpipe. About that time a Government inspector comes out to collect the equalization fee. He says, "Hold on. Don't begin to gin this cotton yet. Have you paid the equalization fee?" The fellow says, "What? What did you say?" "Why, the \$10 to \$25 equalization fee on this bale of cotton," or \$15 or \$20. "What is that for?" "That is the new farm relief provided in the farm relief bill." [Laughter.] He says, "What did you say—farm what?" "Farm relief; farm relief bill." "I never joined nothing like that." "No; I know you didn't, but your Congress man joined for you." [Laughter.] "The devil he did." [Laughter.]

Gentlemen, you can laugh all you please about that; but that is a fact. That is not workable. It will not work.

What else does it do? The equalization fee would create an army of employees. You can not dodge that. It would create an army of employees and bureaucrats. And who is going to pay for them? Who would pay all these salaries? Gentlemen, it would come out of the farmers; it would come out of the equalization fee. And what are you planning here? You would absolutely consume him with this army of employees and hangers-on and understrappers; and that would come out of the farmer's own pocket, and you know it would. It would come out of the \$10 or \$25 the farmer would pay on each bale of cotton.

Let me tell you something. The boys who are not members of these cooperatives are not for the McNary-Haugen bill; and let me tell you why they are not for it. They are beginning to find out that under the McNary-Haugen bill every man who sells a bushel of wheat or bale of cotton or any other agricultural commodity under that bill has got to pay the equalization fee, whether he belongs to an organization or not. What goes with that fee? These farmers that run their own business are beginning to learn; these farmers are beginning to find out that their \$10, \$15, or \$20 on a bale of cotton and 25 cents or 50 cents on a bushel of wheat is going to be thrown into a fund, and turned over to whom? Turned over to the cooperatives. That is the truth. They are finding it out. They are going to turn over the money collected from all of the farmers and put it into a fund and turn that fund over to the cooperatives to handle and manage and speculate with and carry their cotton and their wheat, and such other as they choose to buy; and they are not for—they are not for it, and I as a representative of all these farmers who do not belong to the co-ops am not going to vote for a law that makes him—I mean that makes them—join the cooperatives whether they want to or whether they do not. And if he does not do it I am not going to tax him and take his money and turn it over to the cooperatives to exploit and practice on.

One other thing. They say you must not have a subsidy. I submit that under this debenture plan there is no subsidy. It is shown here that the Treasury would not get so much money in tariff duties. It is true. But in the case of aluminum, these farm-relief fellows of Iowa, when they voted to give Andrew Mellon a monopoly on the aluminum business they kept out of the Treasury, according to the department's figures, \$300,000. Three hundred thousand dollars would have gone in there if they had not raised the tariff on aluminum, and by the same token took several millions out of the pockets of the farm wives, the city wives, and all other housewives in this country in added cost of the aluminum ware they use. So it is no more a subsidy than the raised tariff on aluminum.

I submit that all this is going to be more or less of an experiment. The whole project of farm relief is going to be an experiment. I think it is worth several hundred millions, even if you do go into the Treasury and take it out, to demonstrate either the success of some of these plans or the failure of some of these plans. They talk about the railroads. When you turned the railroads back to their stockholders, for that six-month period in which they were granted a certain income, where did it come from? It came out of the Treasury of the United States; it did not come out of any equalization fee levied on the railroads themselves, did it? No.

The CHAIRMAN. That is what this bill will do; it will take the money out of the Treasury.

Mr. CONNALLY. The gentleman voted for the Esch-Cummins law, did he not?

The CHAIRMAN. I did not.

Mr. CONNALLY. You have been asked that you do for the farmer what has been done for the railroads. Under the Esch-Cummins law you did that for the railroads. Now, why is it not fair, according to their own doctrine, to do the same thing for the farmers? Suppose we spend \$200,000,000 or \$300,000,000 in the experiment and find out we have made a failure; we can quit, can we not? The Treasury is not so badly off that it can not afford it. This is a great industry and it is worth the experiment.

Let me tell you about the equalization fee. This country is supposed to be still a country of free men and free industry. The McNary-Haugen bill with that equalization fee would build up the most autocratic tyranny in an industry that could be conceived of in this country. Here is a fellow who has a farm out here and he goes out and raises a bale of cotton or a bushel of wheat. He raises it with the sinews and the muscles of his own hands, out under God's own sunlight, tilling it with his own implements in his own soil. If when he produces it and comes up to the markets of the world with a bale of cotton in one hand and a bushel of grain in the other, the McNary-Haugen bill says: "You shall not sell it. You shall not exchange the fruits of your toil and the fruits of your soil, brought together there by the mystic elements in nature's laboratory, under God's sun. You shall not sell either one of them until you pay tribute in the form of an equalization fee." What for; to run the Government? Oh, no. To maintain armies in the national defense? Oh, no. To keep the Navy afloat to protect the national honor? Oh, no. What for? To maintain the courts? No. To punish crime? No. Why, to turn it over to some little board selected by a group of particular organizations, representing only 7 or 8 per cent of the entire farmers of the United States. Are we going to say to the farmer that "You shall not sell your product until you pay this tribute to this group and let them dissipate it in their unwisdom, as they may dissipate it?"

Gentlemen, I can not take up all of your time. I do not want to take up much more of your time.

But here is the Grange, as I understand it, the largest and the oldest agricultural organization on the earth, advocating this debenture doctrine. I approve the plan as outlined in my remarks a few minutes ago and substantially that of my distinguished colleague from Texas, Mr. MARVIN JONES, and that is the establishment of an export corporation with sufficient capital or a revolving fund out of the Treasury, to be replenished from time to time by the debenture, and then tied into that system this debenture plan; and it will operate for the benefit of every farmer that produces a bushel of wheat or a bale of cotton anywhere in these United States. And you will not have this great army of employees and fee collectors and inspectors and auditors and officials. You will have a very small organization. It will not cost the Government a dollar, except in the method of this debenture system. And I submit that it is workable; it is a practical system and it really offers some hope of relief. While everybody knows who knows anything that the McNary-Haugen bill as it was in the last session with the equalization fee, even if it passes both Houses, can not pass the White House. And we are mad—we are mad, or else we are insincere and we are mountebanks—we are either mad or mountebanks if we try to bunco the American farmer again with the McNary-Haugen bill with the equalization fee in it, that you know is going to be vetoed the moment it is laid on the President's desk. The man who insists on passing the McNary-Haugen equalization fee when he knows it will be vetoed does not want any farm relief. He is merely trying to fool the farmer.

The CHAIRMAN. Do you yield for a question?

Mr. CONNALLY. Yes.

The CHAIRMAN. Something was said about fooling the farmer. Let us examine the two measures before us and see which one fools the farmer. Let us assume that we export wheat to the extent of 200,000,000 bushels, where under the debenture plan it would cost the Government \$42,000,000. Under the equalization fee plan, if you advance the price 50 cents, the equalization fee would be 12½ cents, which would leave the farmer 37½ cents net. The farmer would be receiving 37½ cents instead of 21 cents, which is 16½ cents above the debenture plan. Hence a profit to the farmer of 16½ cents a bushel over the debenture plan, or \$300,000,000 net, and the cost to the Government under the debenture plan would be \$42,000,000.

Mr. CONNALLY. I thought the gentleman was asking me a question.

The CHAIRMAN. I want you to tell the committee which plan has the best values for the farmer.

Mr. CONNALLY. You ask me to tell you, and I am telling you. I want to answer your question.

The CHAIRMAN. Which plan is the better for the farmer? The equalization plan that pays \$300,000,000 net, or the debenture plan that pays \$168,000,000, with \$42,000,000 at the expense of the Treasury; the equalization plan which gives the farmer 37½ cents, or the debenture plan which gives him 21 cents; the equalization plan giving him \$300,000,000 net, or the debenture plan giving him \$168,000,000, at an expense of \$42,000,000 borne by the Treasury? As a result, under the equalization plan the farmer would be ahead \$132,000,000 and the Government would be ahead \$42,000,000. The farmer and the Federal Treasury would be \$174,000,000 ahead.

Mr. CONNALLY. I never have understood what the gentleman's question is. I do not understand it.

The CHAIRMAN. Turn your attention to the two plans.

Mr. CONNALLY. I know about the two plans.

The CHAIRMAN. Two hundred million bushels of wheat exported would cost the Government \$42,000,000—

Mr. CONNALLY. I shall be glad to answer a question, but every time I start to answer the gentleman starts again and I can not do it.

The CHAIRMAN. I am going to show you which plan would give the most to the farmer.

Mr. CONNALLY. The gentleman arbitrarily assumes that his bill will do things that can not be proven.

The CHAIRMAN. If you do not want to answer the question, we will take it up later.

Mr. CONNALLY. I will answer any questions the gentleman may ask. I do not want to be discourteous.

The CHAIRMAN. I asked this question—it is a simple one: Under the debenture plan, if 800,000,000 bushels of wheat are marketed or sold and 200,000,000 bushels exported, the cost to the Government would be \$42,000,000. Assuming that the price would advance 21 cents a bushel, the producers would receive from the Government 21 cents a bushel on the 200,000,000 bushels exported—that is \$42,000,000; and 21 cents a bushel on the 600,000,000 bushels—that would be \$126,000,000, a total of \$168,000,000.

Under the equalization plan, if the price is advanced—the tariff of 42 cents and 8-cent cost of bringing to our port of entry, or total of 50 cents—and 200,000,000 bushels are exported, the equalization fee would be 12½ cents, which would leave the farmer 37½ cents net, or 16½ cents above the 21 cents received under the debenture plan; and the producers' net profit would be \$300,000,000 or \$132,000,000 more than under the debenture plan. In other words, under the debenture plan, the producers would receive \$168,000,000, of which \$42,000,000 would be at the expense of the Federal Treasury; and under the equalization-fee plan they would receive a net gain of \$300,000,000. In other words, the debenture plan not only makes a raid on the Treasury to the extent of \$42,000,000, but pays the producers \$132,000,000 less than under the equalization plan, where the cost is paid by the producers themselves and no burden placed on the Treasury.

Mr. CONNALLY. Is that your question?

The CHAIRMAN. That is the question. Is that fooling the people?

Mr. CONNALLY. Let me say to the gentleman that I do not think anybody, unless it be the gentleman from Iowa, believes that the McNary-Haugen bill would raise the price of wheat 50 cents a bushel. In the past the gentleman voted for a tariff of 42 cents a bushel on wheat, and he told the House at the time it passed that all we had to do to raise the price of wheat 42 cents a bushel was to pass the bill. Now he comes back in the McNary-Haugen bill and says it does not raise the price 42 cents a bushel, and you have to devise some other artificial contrivance to do what he said would be done by the 42 cents a bushel tariff. He may be just as much in error again.

The CHAIRMAN. It has never been declared that it would advance the price 42 cents a bushel, nor has a vote ever been taken to fix the tariff at 42 cents.

Mr. CONNALLY. It is a beautiful theory, but it will not work. It has not worked. Let me ask the question. Does the gentleman believe the President will approve the McNary-Haugen bill?

The CHAIRMAN. I am not so much concerned about that.

Mr. CONNALLY. I know you are not, but I am. I want the gentleman to answer my question. If you really want farm relief, you ought to be concerned whether it will be vetoed.

The CHAIRMAN. I think every Member should vote as his conscience dictates.

Mr. CONNALLY. Does the gentleman want a bill or a veto?

The CHAIRMAN. I do not think the President would have any respect for me if I should do as he might direct. I have a higher conception of my duty than that; I have a higher regard for Members of Congress than to suggest such a thing. Personally, I would not want it said that I am serving as a bellhop for the President or anybody else.

Mr. CONNALLY. Do you think the President is going to be your bellhop and approve this bill if you pass it?

ADJOURNMENT

Mr. BARBOUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Friday, February 10, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, February 10, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Department of Agriculture appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To place agricultural products upon a price equality with other commodities (H. R. 10656).

To foster agriculture and to stabilize the prices obtained for agricultural commodities by providing for the issuance of export debentures upon the exportation of such commodities (H. R. 10568).

COMMITTEE ON THE CENSUS

(10.30 a. m.)

To provide for the fifteenth and subsequent decennial censuses (H. R. 393).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To amend Title II of an act approved February 28, 1925, regulating postal rates (H. R. 9296).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend an act entitled "An act for the regulation of radio communications," approved February 23, 1927 (H. R. 8825).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 5641).

COMMITTEE ON THE JUDICIARY SUBCOMMITTEE NO. 2

(10 a. m.)

To provide for a joint reunion of the surviving veterans of both sides of the war 1861 to 1865 in the city of Washington in the year 1928; to authorize the appropriation of sufficient money from the United States Treasury to pay the expenses of such joint reunion; and to provide for a commission to carry into effect the provisions of this act (H. R. 5577).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 112. A resolution providing for the consideration of H. Con. Res. 18, a concurrent resolution proposing an amendment to the Constitution; without amendment (Rept. No. 612). Referred to the House Calendar.

Mr. HOUSTON of Hawaii: Committee on the Public Lands. H. R. 10483. A bill to revise the boundary of a portion of the Hawaii National Park on the island of Hawaii in the Territory of Hawaii; without amendment (Rept. No. 613). Referred to the House Calendar.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 5531. A bill to amend the provision contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers; without amendment (Rept. No. 614). Referred to the House Calendar.

Mr. DRANE: Committee on Naval Affairs. S. 771. An act providing for the loan of the U. S. S. *Dispatch* to the State of Florida; without amendment (Rept. No. 615). Referred to the House Calendar.

Mr. HILL of Washington: Committee on Indian Affairs. H. R. 8731. A bill to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.; without amendment (Rept. No. 616). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WURZBACH: Committee on Military Affairs. H. R. 3268. A bill for the relief of John De Camp; with amendment (Rept. No. 617). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 4865. A bill for the relief of Dock Leach; with amendment (Rept. No. 618). Referred to the Committee of the Whole House.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 10715. A bill to authorize Col. Charles A. Lindbergh, United States Army Air Corps Reserve, to accept decorations and gifts from foreign governments; with amendment (Rept. No. 619). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7086) granting an increase of pension to Ellen M. Willey; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10052) granting an increase of pension to Jessie Sparrow; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10569) for the relief of Gilbert P. Chase; Committee on Claims discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Oklahoma: A bill (H. R. 10754) to authorize the construction of an auditorium and school rooms at the Concho Indian School at Concho, Okla.; to the Committee on Indian Affairs.

Also, a bill (H. R. 10755) to authorize the construction of additional sleeping porches at the Concho Indian School, at Concho, Okla.; to the Committee on Indian Affairs.

By Mr. CANFIELD: A bill (H. R. 10756) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River, between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. LANKFORD: A bill (H. R. 10757) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce; to the Committee on Agriculture.

By Mr. AYRES: A bill (H. R. 10758) to amend the tariff act of 1922; to the Committee on Ways and Means.

By Mr. BLACK of New York: A bill (H. R. 10759) amending section 266 of the United States Judicial Code by denying injunctions against city and State officials; to the Committee on the Judiciary.

By Mr. BURTON: A bill (H. R. 10760) to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918; to the Committee on Ways and Means.

By Mr. HUDSON: A bill (H. R. 10761) to prevent obstruction and burdens upon interstate trade and commerce in copyrighted motion-picture films, and to prevent the restraint upon the free competition in the production, distribution, and exhibition of copyrighted motion-picture films, and to prevent the further monopolization of the business of producing, distributing, and exhibiting copyrighted motion pictures, by prohibiting blind booking and block booking of copyrighted motion-picture films and by prohibiting the arbitrary allocation of such films by distributors to theaters in which they or other distributors have an interest, direct or indirect, and by prohibiting the arbitrary refusal to book or sell such films to exhibitors in which they have no such interest; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES: A bill (H. R. 10762) to place agricultural products upon a price equality with other commodities; to the Committee on Agriculture.

Also, a bill (H. R. 10763) relating to investigation of new uses of cotton; to the Committee on Agriculture.

By Mr. KVALE: A bill (H. R. 10764) to amend the Federal reserve act and the national banking laws, and for other purposes; to the Committee on Banking and Currency.

By Mr. WHITE of Maine: A bill (H. R. 10765) to create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. KVALE: A bill (H. R. 10766) to amend section 5197 of the Revised Statutes, as amended, and for other purposes; to the Committee on Banking and Currency.

By Mr. CANNON: A bill (H. R. 10767) providing for the purchase of a site and erection of a public building at Owensville, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. CARTWRIGHT: A bill (H. R. 10768) to amend section 182 of the Judicial Code in so far as it relates to the eastern district of Oklahoma; to the Committee on the Judiciary.

By Mr. EVANS of California: Joint resolution (H. J. Res. 196) designating the American Green Cross as a national body for education and research work in connection with the protection of forests, reforestation of denuded areas, flood control, and allied problems, and for other purposes; to the Committee on Education.

By Mr. WILSON of Mississippi: Joint resolution (H. J. Res. 197) authorizing and directing an investigation of the activities of the spinners and brokers, and particularly the New York Cotton Exchange, and for other purposes; to the Committee on Agriculture.

By Mr. SNELL: Resolution (H. Res. 112) providing for the consideration of House Concurrent Resolution 18, a concurrent resolution proposing an amendment to the Constitution of the United States of America; to the Committee on Rules.

By Mr. KIESS: Resolution (H. Res. 113) providing for the printing of the journal of the Twenty-eighth National Encampment of the Veterans of Foreign Wars of the United States; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 10769) granting an increase of pension to Anna Hilbert; to the Committee on Invalid Pensions.

By Mr. BRAND of Georgia: A bill (H. R. 10770) granting a pension to Wilson M. Slaughter; to the Committee on Pensions.

Also, a bill (H. R. 10771) granting a pension to Alice Mabel Lang; to the Committee on Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 10772) granting an increase of pension to Sarah M. Armstrong; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 10773) for the relief of Marion M. Gray; to the Committee on Pensions.

By Mr. COMBS: A bill (H. R. 10774) for the relief of the Carlisle Commission Co.; to the Committee on War Claims.

Also, a bill (H. R. 10775) for the relief of Charles Cubberly; to the Committee on Military Affairs.

By Mr. CRAIL: A bill (H. R. 10776) to authorize the appointment of Quartermaster Sergt. John Imhof, second grade, retired, United States Army, to quartermaster sergeant, first pay grade, retired, United States Army; to the Committee on Military Affairs.

Also, a bill (H. R. 10777) granting a pension to Thomas A. West; to the Committee on Pensions.

By Mr. DARROW: A bill (H. R. 10778) granting an increase of pension to Patrick W. O'Donnell; to the Committee on Pensions.

Also, a bill (H. R. 10779) granting a pension to Susie E. Richards; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 10780) granting an increase of pension to Nancy J. Wager; to the Committee on Invalid Pensions.

By Mr. FULBRIGHT: A bill (H. R. 10781) granting a pension to Thomas Dowler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10782) granting an increase of pension to Zippora B. Sowards; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 10783) for the relief of William A. Miles; to the Committee on Claims.

By Mrs. KAHN: A bill (H. R. 10784) granting a Pension to Ruth D. Covell; to the Committee on Pensions.

By Mrs. LANGLEY: A bill (H. R. 10785) granting a pension to Martha Bowles; to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 10786) authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Gila River and its tributaries above the San Carlos Reservoir in New Mexico and Arizona; to the Committee on Irrigation and Reclamation.

By Mr. NELSON of Maine: A bill (H. R. 10787) granting an increase of pension to Nettie S. Staples; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 10788) granting an increase of pension to Susanna Dakin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10789) granting an increase of pension to Alice E. Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10790) granting an increase of pension to Mary A. Schwartz; to the Committee on Invalid Pensions.

By Mr. SPEARING: A bill (H. R. 10791) to provide for a survey of Bayou Sennette, in Jefferson Parish, La., with a view to maintaining an adequate channel of suitable width; to the Committee on Rivers and Harbors.

By Mr. STOBBS: A bill (H. R. 10792) granting an increase of pension to Emma S. Rust; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 10793) granting an increase of pension to Eliza J. Newton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10794) granting a pension to Rebecca B. McConaughy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10795) granting an increase of pension to Retta Chatland; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 10796) granting a pension to Anna Cupp; to the Committee on Invalid Pensions.

By Mr. WINTER: A bill (H. R. 10797) granting an increase of pension to Mary L. Huff; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3530. By Mr. ALDRICH: Resolution of Swedish Mission Church, Auburn, R. I., protesting against new quota provisions of immigration law and urging continuance of quota at present in force; to the Committee on Immigration and Naturalization.

3531. By Mr. BACHMANN: Petition of Mrs. Charles Tont and 67 citizens of Power, Brooke County, W. Va., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3532. Also, petition of 37 representatives of the Clerksburg Drug Co., and 82 representatives of the Ohio Valley Drug Co., respectively, urging that close attention and serious consideration be given to House bill 11, introduced by Representative CLYDE KELLY, of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

3533. By Mr. BEERS: Memorial from members of Yeager-town Council, No. 211, Sons and Daughters of Liberty, and Washington Camp, No. 426, Patriotic Order Sons of America, favoring restricted immigration; to the Committee on Immigration and Naturalization.

3534. By Mr. BOIES: Petition signed by citizens of Woodbury and Ida Counties, Iowa, protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3535. By Mr. BOYLAN: Resolution of New York State National Guard, favoring the national matches item in Army appropriation bill; to the Committee on Military Affairs.

3536. Also, resolution of New York State National Guard convention, favoring the Tyson-Fitzgerald bill; to the Committee on Military Affairs.

3537. By Mr. BURTON: Petition of citizens of East Russia, Ohio, expressing disapproval of the bill now pending to authorize an ambitious naval program; to the Committee on Naval Affairs.

3538. Also, petition of citizens of Cleveland, Ohio, and vicinity, protesting against the passage of the Brookhart bill (S. 1667) in regard to the sale and distribution of motion pictures; also the Cannon bill (H. R. 9298) on the same subject; to the Committee on Interstate and Foreign Commerce.

3539. Also, petition of the Pasadena Monthly Meeting of the Religious Society of Friends, Pasadena, Calif., protesting against the proposed increase in naval construction; to the Committee on Naval Affairs.

3540. Also, petition of 30 members of the Girl Reserve Club of the High Point High School, High Point, N. C., protesting against the big Navy program; to the Committee on Naval Affairs.

3541. By Mr. COMBS (by request): Petition of citizens of Missouri, opposing Senate bill 1667; to the Committee on Interstate and Foreign Commerce.

3542. By Mr. DALLINGER: Resolution of Crusader Commandery, No. 293, Knights of Malta, of Cambridge, Mass., opposing any weakening of the present immigration laws; to the Committee on Immigration and Naturalization.

3543. Also, petition signed by certain citizens of Melrose, Mass., urging the enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3544. Also, resolutions of the Baptist Minister's Conference of Boston and vicinity, opposing the Navy bill; to the Committee on Naval Affairs.

3545. Also, protest of members of the Church of the Epiphany, Winchester, Mass., against the Navy bill; to the Committee on Naval Affairs.

3546. By Mr. DARROW: Memorial of the Philadelphia Board of Trade, opposing the enactment of the Jones bill (S. 744); to the Committee on the Merchant Marine and Fisheries.

3547. By Mr. EATON: Petition of 279 residents of Trenton, N. J., protesting against proposed enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

3548. By Mr. ESTEP: Petition of Alva C. Davies and 155 other residents of Pittsburgh, Pa., protesting against the passage of bill known as the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3549. Also, petition of Dr. H. W. Kelly and 262 other residents of Pittsburgh, Pa., protesting against House bill 78, known as the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3550. Also, petition of Edward H. Grapp and 30 other residents of Pittsburgh, Pa., protesting against House bill 78, known as the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3551. Also, petition of Dr. W. A. Kelly and 297 other residents of Pittsburgh, Pa., protesting against House bill 78, known as the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3552. Also, petition of Council on National Parks, Forest, and Wild Life (formerly National Park Committee), 233 Broadway, New York City, urging that Congress give greater heed to the need for forest-fire prevention and provide more appropriations for the detection and suppression of fires; to the Committee on the Public Lands.

3553. By Mr. FISHER: Petition of V. J. Isle and 27 other petitioners, protesting against the bill known as the Brookhart bill; to the Committee on Interstate and Foreign Commerce.

3554. By Mr. FORT: Petition of residents of Newark, Orange, and Irvington, N. J., protesting against House bill 78, the so-called Sunday blue law; to the Committee on the District of Columbia.

3555. By Mr. FOSS: Petition of Albion Minty and several other citizens of South Athol, Mass., protesting against the passage of House bill 78, known as the Lankford Sunday observance bill; to the Committee on the District of Columbia.

3556. Also, petition of E. O. Hutchinson and other citizens of Athol, Mass., protesting against the passage of House bill 78, known as the Lankford Sunday observance bill; to the Committee on the District of Columbia.

3557. Also, petition of J. Franklin Wilkinson and 79 other citizens of Gardner, Mass., protesting against the passage of House bill 78, known as the Lankford Sunday observance bill; to the Committee on the District of Columbia.

3558. By Mr. FRENCH: Petition of 106 citizens of Latah County, Idaho, urging enactment of legislation increasing pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3559. By Mr. FULBRIGHT: Petition of citizens of Nixa, Mo., urging legislation in behalf of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3560. By Mr. GARBER: Petition of residents of Grant County, Okla., in protest to the enactment of legislation for compulsory Sunday observance as embodied in House bill 78; to the Committee on the District of Columbia.

3561. Also, letter of James Bowser, post service officer of George Walker Post, No. 18, of Muskogee, Okla., in support of House bill 6688 and Senate bill 2259; to the Committee on World War Veterans' Legislation.

3562. Also, petition of residents of Buffalo, Harper County, Okla., urging the enactment of legislation for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3563. Also, petition of residents of Meno, Okla., in protest to the enactment of compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3564. Also, petition of residents of Texas County, Okla., in protest to House bill 78, for compulsory Sunday observance; to the Committee on the District of Columbia.

3565. Also, petition of residents of Guymon, Texas County, Okla., in protest to the enactment of legislation for compulsory Sunday observance as embodied in House bill 78; to the Committee on the District of Columbia.

3566. Also, petition of residents of Knowles, Okla., in protest to the enactment of legislation for compulsory Sunday observance as embodied in House bill 78; to the Committee on the District of Columbia.

3567. By Mr. GALLIVAN: Petition of the Anti-National Origins Clause League of Michigan, protesting against the national origins method of determining quotas; to the Committee on Immigration and Naturalization.

3568. By Mr. GARNER of Texas: Petition of citizens of Kingsville, Tex., favoring Sunday observance legislation; to the Committee on the District of Columbia.

3569. Also, petition of citizens of La Feria, Tex., against compulsory Sunday observance; to the Committee on the District of Columbia.

3570. By Mr. GIBSON: Petition of residents of Randolph, Vt., protesting against legislation for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

3571. By Mr. HADLEY: Petition of Sarah J. Prouty, of Bellingham, Wash., for further relief of Civil War veterans and widows; to the Committee on Invalid Pensions.

3572. Also, petition of residents of Sequim, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

3573. By Mr. KADING: Petition signed by citizens of Wyocena, Wis., advocating increase in pension for Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

3574. By Mr. KORELL: Petition of citizens of Portland, Ore., protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3575. By Mr. KVALE: Petition of mass meeting under auspices of Fifth Congressional District Council of Agriculture of Minnesota, urging immediate enactment into law of House bill 7940, with the equalization fee provisions retained intact; to the Committee on Agriculture.

3576. Also, petition of several residents of Murdock, Minn., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

3577. Also, petition of 79 officers and members of the Stevens County (Minn.) Farm Bureau Federation, appealing to Minnesota Members of Congress to insist on immediate enactment into law of farm-relief legislation which includes provisions for levy of an equalization fee, and insisting that northwestern farmers wish no substitute or compromise legislation; to the Committee on Agriculture.

3578. Also, petition of Associated General Contractors of America, Northwest Branch, of Minnesota, opposing passage of House bill 8125; to the Committee on Public Buildings and Grounds.

3579. Also, petition of 40 commercial beekeepers representing all sections of the State of Minnesota, protesting against the corn sugar bill; to the Committee on Interstate and Foreign Commerce.

3580. By Mr. LEA: Petition of 96 residents of Humboldt County, Calif., protesting against the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

3581. By Mr. LINDSAY: Petition of New York State National Guard Convention, Albany, N. Y., January 14, 1928, being a set of resolutions indorsing the principles of the Tyson-Fitzgerald bills (S. 777 and H. R. 500) and urging speedy passage thereof; to the Committee on World War Veterans' Legislation.

3582. Also, petition of New York National Guard Convention, Albany, N. Y., January 14, 1928, petitioning Congress to support legislation favorable to continuation of national rifle matches and school for small-arms firing; to the Committee on Appropriations.

3583. By Mr. McKEOWN: Petition of Ben Crouch and 65 other citizens of Sapulpa, Okla., protesting the passage of House bill 78; to the Committee on the District of Columbia.

3584. Also, petition of Homer H. Bishop and 26 other citizens of Oklahoma, protesting the passage of House bill 78; to the Committee on the District of Columbia.

3585. Also, petition of Claud Gerard and 55 other citizens of Oklahoma, protesting the passage of House bill 78; to the Committee on the District of Columbia.

3586. Also, petition of Mrs. Fred Jones, Mrs. C. M. Sims, and 40 other citizens of Bristow, Okla., protesting the passage of House bill 78, or any compulsory Sunday observance law; to the Committee on the District of Columbia.

3587. Also, petition of Mary T. Barnard, W. T. King, and 32 other citizens of Shawnee, Okla., urging the increase of pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3588. Also, petition of Sanders Dunlap and 65 other citizens of Konawa, Okla., protesting the passage of any compulsory Sunday observance law; to the Committee on the District of Columbia.

3589. Also, petition of Dr. W. L. Moore and 30 other citizens of Lima, Okla., protesting the passage of any compulsory Sun-

day observance law; to the Committee on the District of Columbia.

3590. Also, petition of K. W. Hill and 20 other citizens of Oilton, Okla., protesting the passage of any compulsory Sunday observance law; to the Committee on the District of Columbia.

3591. Also, petition of Mrs. Basil B. Hughes and 65 other citizens of Seminole County, Okla., protesting the passage of any compulsory Sunday observance law; to the Committee on the District of Columbia.

3592. Also, petition of O. O. Davis and 65 other citizens of Sapulpa, Okla., protesting the passage of any compulsory Sunday observance law; to the Committee on the District of Columbia.

3593. Also, petition of T. J. Blake and 40 other citizens of Stroud, Okla., protesting the passage of any Sunday observance law, particularly House bill 78; to the Committee on the District of Columbia.

3594. Also, petition of V. D. Farnsworth and about 45 other citizens of Lincoln County, Okla., protesting the passage of any compulsory Sunday observance law; to the Committee on the District of Columbia.

3595. Also, petition of E. O. Cooper and 65 other citizens of Stroud, Okla., protesting the passage of a compulsory Sunday observance law; to the Committee on the District of Columbia.

3596. Also, petition of Mrs. J. H. Epperson and 40 other citizens of Sapulpa, Okla., protesting the passage of any Sunday observance law, particularly House bill 78; to the Committee on the District of Columbia.

3597. Also, petition of William H. Gossage and five other citizens of Seminole County, Okla., protesting the passage of House bill 78; to the Committee on the District of Columbia.

3598. Also, petition of Mrs. Ora Harris and 25 other citizens of Lincoln County, Okla., protesting the passage of House bill 78; to the Committee on the District of Columbia.

3599. Also, petition of John Eagan and 65 other citizens of Sapulpa, Okla., protesting the passage of House bill 78; to the Committee on the District of Columbia.

3600. Also, petition of Cora Winchester and 65 other citizens of Olive, Okla., protesting the passage of any compulsory Sunday observance law; to the Committee on the District of Columbia.

3601. By Mr. McREYNOLDS: Petition signed by 175 voters of Sparta, White County, Tenn., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

3602. By Mr. MARTIN of Massachusetts: Petition of Lawrence J. Daley, Nancy C. Simmons, and 42 other residents of Fall River, Mass., protesting against the enactment of the so-called compulsory Sunday observance bill; to the Committee on the District of Columbia.

3603. By Mr. MEAD: Petition of residents of Buffalo, N. Y., protesting against the passage of Senate bill 1667; to the Committee on Interstate and Foreign Commerce.

3604. By Mr. MORIN: Petition of Mrs. J. H. Riemann and 500 petitioners of Pittsburgh, Pa., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3605. Also, petition of A. J. Robling and 550 petitioners of Pittsburgh, Pa., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3606. By Mr. MURPHY: Petition of R. B. Arnold, of Bellaire, Ohio, and 44 others, asking for the passage of House bill 11, to protect the public against misleading price manipulation; to the Committee on Interstate and Foreign Commerce.

3607. Also, petition of J. L. Burris, of Smithfield, and 20 others, asking for the passage of House bill 11, to protect the public against misleading price manipulation; to the Committee on Interstate and Foreign Commerce.

3608. By Mr. O'CONNELL: Petition of the New York State National Guard Association, heartily indorsing the principles of the Tyson-Fitzgerald bills (S. 777 and H. R. 500); to the Committee on World War Veterans' Legislation.

3609. Also, petition of the New York State National Guard associations, favoring legislation for national matches and in connection therewith the school for small-arms firing; to the Committee on Military Affairs.

3610. By Mrs. ROGERS: Petition of Edna D. Douglas, of 20 Walden Street, Lowell, Mass., and 80 others against House bill 78 or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

3611. By Mr. SELVIG: Petition of Mrs. Sigfrid Danielson and 53 adult residents of Roseau County, protesting against the passage of House bill 78 or any other bill providing for

compulsory Sunday observance; to the Committee on the District of Columbia.

3612. By Mr. SPEAKS: Petition signed by Mrs. A. L. Gilmore and some 50 citizens of Columbus, urging the enactment of legislation increasing pension rates of Civil War soldiers and survivors; to the Committee on Invalid Pensions.

3613. Also, petition signed by Fred B. Lytle, Columbus, Ohio, and some 137 residents of Franklin County, Ohio, protesting against the enactment of House bill 78; to the Committee on the District of Columbia.

3614. Also, petition signed by C. W. Kussmaul and some 14 other citizens of Columbus, favoring the enactment of legislation increasing pension rates of Civil War veterans and widows; to the Committee on Invalid Pensions.

3615. By Mr. YON: Petition of G. A. Hawkins and 100 other citizens of Bay County, Fla., protesting against the passage of the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

SENATE

FRIDAY, February 10, 1928

(Legislative day of Thursday, February 9, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

PRESIDENTIAL TERMS

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, Senate Resolution 128.

The Senate resumed the consideration of the resolution (S. Res. 128) submitted by Mr. LA FOLLETTE, as follows:

Resolved, That it is the sense of the Senate that the precedent established by Washington and other Presidents of the United States in retiring from the presidential office after their second term has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions; and be it further

Resolved, That the Senate commends the observance of this precedent by the President.

Mr. JONES. Mr. President, if this were a resolution submitting an amendment to the Constitution providing for not more than one or two terms for a President, there might be much urged in favor of it. It does nothing of the kind. It proposes no action by the Senate. It proposes no study or legislation and not even an investigation of any sort. The passage of the resolution, in my judgment, amounts to nothing more than the declaration of 49 or more Senators that in their judgment the people of the country are not competent to select their President.

Mr. President, I can not subscribe to any such doctrine. I shall vote against the resolution and await with interest the vote of Senators whose party slogan a few years ago was "Let the people rule." Nor can I subscribe to the declaration in the resolution that leaving the selection of their President to the American people would be "unwise, unpatriotic, and fraught with peril to our free institutions." Such a reflection as that upon the American people is wholly unwarranted and unjustified. If there is such danger in trusting the people, let an amendment be submitted to the Constitution restricting or limiting the terms of their Presidents, and give the people the opportunity of deciding as to whether or not they want to limit themselves further as to the selection of their Presidents.

Mr. EDGE and Mr. HARRISON suggested the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Shipstead
Barkley	Fess	McLean	Shortridge
Bingham	Fletcher	McMaster	Simmons
Black	Frazier	McNary	Smith
Blaine	George	Mayfield	Smoot
Blease	Gerry	Metcalf	Steak
Borah	Gillett	Moses	Steiwer
Bratton	Glass	Neely	Stephens
Brookhart	Gooding	Norbeck	Swanson
Broussard	Gould	Norris	Thomas
Bruce	Greene	Nye	Trammell
Capper	Harris	Oddie	Tydings
Caraway	Harrison	Overman	Tyson
Copeland	Hawes	Pine	Wagner
Couzens	Hayden	Pittman	Walsh, Mass.
Curtis	Heflin	Ransdell	Walsh, Mont.
Cutting	Howell	Reed, Pa.	Warren
Dale	Johnson	Robinson Ark.	Waterman
Deneen	Jones	Robinson, Ind.	Watson
Dill	Kendrick	Sackett	Willis
Edge	King	Schall	
Edwards	La Follette	Sheppard	

Mr. JONES. I desire to announce that the junior Senator from New Hampshire [Mr. KEYES] is necessarily absent on official business.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

Mr. SHORTRIDGE. Mr. President, I crave the indulgence of the Senate while I discuss, and I hope briefly, a resolution which I venture to suggest has no place in this body. I apologize, therefore, for taking up the time of the Senate upon a subject such as this; but perhaps I will be pardoned in view of the example which has been set.

Mr. President, I keep uppermost in my mind the Constitution of our country. That Constitution was framed by wisdom and ratified by a patriotic people. Under that Constitution we have grown from weakness unto strength, from a Nation of three and one-half millions of people to a mighty Republic of over 110,000,000, from a little Nation to one of the greatest and the most prosperous on the earth.

Naturally the pending resolution has brought to our attention the father of our country. All the resources of lofty and loving eloquence have been exhausted in vain attempts to portray the greatness and the genius for war and government of Washington. Orators, poets, historical writers, philosophers on government, each in his turn has paid tribute to the father of our country. The character of Washington, his words, his thoughts, his example have properly and naturally been brought to our attention, and before I shall have finished I hope to quote the very words of Washington in respect to the very matter embraced within the resolution before us.

I digress to say aside that I have been somewhat surprised that Senators have not consulted the writings of Washington; not what has been said of him in eulogy, but what he, the wise man, the patriotic man, the great man, said in respect of this very proposition, namely, the eligibility or ineligibility of the occupant of the presidential office. I now say at the very outset that if we read what he wrote we shall see that George Washington saw no danger to the Republic in leaving it to the wisdom and the patriotism of the people of America to choose their President.

I say with respect, as I remarked in passing a moment ago, that a resolution of this sort has no place in the Senate. This is a legislative body. The Constitution very wisely divides our Government into three great departments—the legislative, with certain delegated power; the executive, with well-defined power; and the judicial, with power to interpret, to construe the Constitution and the laws made in pursuance thereof, and laws enacted by the different States to determine whether those laws run counter to the supreme law of the Constitution or laws made in pursuance thereof.

Mr. BINGHAM. Mr. President, will the Senator yield at that point?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Connecticut?

Mr. SHORTRIDGE. I yield.

Mr. BINGHAM. The Senator has said that the Senate is a legislative body. Has he forgotten that it recently considered itself to be judicial?

Mr. SHORTRIDGE. I had. I should add that while it is a legislative body, its functions may be divided into three parts: First, legislative power proper; second, advisory power in the matter of treaties and certain Federal offices; and, third, judicial power when it comes to sit as a court or a body of impeachment. So the purpose and essence of this resolution can not fall within any one of these three functions which the Senate specifically has under the Constitution.

Ah, it may be said that this is a mere idle remark; but, Mr. President, if this resolution is proper to be entertained, proper to be discussed, taking the time of the Senate for hours and days, then it is quite easy to suggest that there are many other resolutions that might well, with equal propriety, be introduced and disposed of. This resolution might well be debated by members of some kindergarten school in some remote village; but the Senate of the United States is not the place for its consideration. However, the Senator from Wisconsin [Mr. LA FOLLETTE], seeing the pillars of the Republic trembling and the "wide arch of the ranged empire" collapsing, and fearing that Plymouth Rock may be taken up and thrown into the sea, introduces this moth-eaten resolution.

It has afforded a coveted opportunity for Senators to display knowledge of a few scraps of history; and it has enabled some Senators to unleash their tongues, rush to the door of the temple of liberty, and beat back the enemies of the Republic—as though to-day, in this year of our Lord 1928, an enemy was at our gate, that Hannibal was within sight of Rome.